[This Document is the Property of His Britannic Majesty's Government.]

Printed for the use of the Foreign Office.

CONFIDENTIAL.

(12766)

F.O.

413

N

008

F.O.413/68

5

68

CLOSED UNTIL

1975

FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 56.

JULY TO DECEMBER, 1924.

F.O.413/

[This Document is the Property of His Britannic Majesty's Government.]

Printed for the use of the Foreign Office.

CONFIDENTIAL.

(12766)

FURTHER CORRESPONDENCE

RESPECTING

MOROCCO.

PART 56.

JULY TO DECEMBER, 1924.

TABLE OF CONTENTS.

No. and Name.	Date.	Subject.	Page.
Chapter I.—TANGIER ZONE.			
(a.) Measures preparatory to the Entry into Force of the Tangier Convention.			
1 French Chargé d'Affaires (London)	1924 July 7	The delay necessary for the translation into Arabic and Spanish of the dahirs and codes will not permit of the entry into force of the Tangier Statute before 1st August. Enquires whether His Majesty's Government agree to this date	1
2 To Mr. Phipps ... (Paris) **No. 2321** To Mr. Gurney ... (Madrid) **No. 376**	„ 18	French Government should be invited to agree to proposals of His Majesty's Government regarding the date of the entry into force of the Tangier Convention	1
3 To French Ambassador (London)	„ 18	States views of His Majesty's Government regarding entry into force of Tangier Convention	2
4 French Ambassador ... (London)	„ 28	French Government agree to British proposals regarding entry into force of Tangier Convention and suggest that the two Governments should invite the Spanish Government to fall into line	2
5 To French Ambassador (London)	Aug. 13	His Majesty's Government agree to join French Government in urging Spanish Government to concur in proposals for the entry into force of the Tangier Convention	3
6 Mr. Phipps ... ... (Paris) **No. 1811**	„ 19	Transmits copies of the draft dahir dealing with the organisation of the Mixed Tribunal at Tangier, which is to supplement the judicial dahir annexed to the convention	3
7 To the Marquess of Crewe (Paris) **No. 3243**	Oct. 15	Transmits note from Spanish Government regarding entry into force of Tangier Convention, and enquires views of French Government	5
8 The Marquess of Crewe (Paris) **No. 2284**	„ 16	Transmits copy of a note stating views of French Government on the Spanish Government's note relating to entry into force of Tangier Convention ..	5
9 To Sir H. Rumbold ... (Madrid) **No. 74. Tel.**	„ 17	French Government have proposed that the new régime, less the Mixed Tribunal, shall begin on 1st December, and that the new judicial régime shall begin on 1st January. His Majesty's Government have agreed to this proposal, and have undertaken to join in recommending it to Spanish Government	6
10 Sir H. Rumbold ... ... (Madrid) **No. 548**	„ 24	Transmits note informing Spanish Government of His Majesty's Government's agreement with French proposals regarding application of Tangier Statute, and a copy of note from Spanish Government stating their willingness to agree to French proposals ...	6
11 Mr. Fitzgerald ... (Paris)	...	Report by British representative on the work of the commission appointed under article 32 of the Tangier Convention to draft the Tangier codes	9
12 To the Marquess of Crewe (Paris) **No. 3539**	Nov. 12	Outlines points which have to be settled before the judicial régime can be introduced and expresses the hope that steps will be taken to enable the Mixed Tribunal to commence its work by 1st January ...	13
13 Mr. Consul-General Clive (Tangier) **No. 362**	1924 Nov. 20	Reports the appointment of Sid Mohammed-bou-Ashreen as Mendoub	14
14 To the Marquess of Crewe (Paris) **No. 3949**	Dec. 15	States measures which must be taken before Tangier Statute can be effectively applied. French Government should be urged to instruct their representatives at Tangier to co-operate with Mr. Clive in immediately taking necessary steps	14
(b.) Attitude of non-Signatory Powers to the Tangier Convention.			
15 Mr. Codrington ... (Tangier) **No. 181**	1924 July 4	Reports conversation with Italian and Belgian Ministers regarding Tangier Convention	15
16 Sir E. Howard ... (Manchester, Mass.) **No. 1168**	„ 18	Transmits reply of United States Government to note from the signatories of the Tangier Convention regarding the accession of the United States to the convention	17
17 To Mr. Gurney ... (Madrid) **No. 403**	„ 31	Transmits for observations of Spanish Government a memorandum expressing the views of His Majesty's Government on the United States note regarding the Tangier Convention	20
18 To Mr. Phipps ... (Paris) **No. 2449**	„ 31	Transmits for observations of French Government a memorandum expressing the views of His Majesty's Government on the United States note regarding the Tangier Convention	20
19 To Mr. Kennard ... (Rome) **No. 1138**	Aug. 12	Conversation with Italian Ambassador, who communicated annexed memorandum, stating the conditions under which Italy would accede to the Tangier Convention	21
20 To Mr. Phipps ... (Paris) **No. 2576** To Sir H. Rumbold ... (Madrid) **No. 426**	„ 13	Transmits for observations of French Government a memorandum stating views of His Majesty's Government on the memorandum communicated by the Italian Ambassador (No. 19)	23
21 Mr. Phipps ... ... (Paris) **No. 1863**	„ 26	Transmits copy of note from French Government stating their views on conditions imposed by Italian Government in regard to their accession to the Tangier Convention	25
22 French Chargé d'Affaires (London)	Sept. 10	States new conditions under which Belgian Government will be prepared to accede, and enquires views of His Majesty's Government	26
23 *Note verbale* communicated by French Chargé d'Affaires (London)	„ 10	States views of French Government on United States note regarding Tangier Convention	26
24 To Sir G. Grahame ... (Brussels) **No. 1290**	„ 17	States views of His Majesty's Government on Belgian conditions of accession to Tangier Convention ...	28
25 To French Chargé d'Affaires (London)	„ 18	Conveys concurrence of His Majesty's Government in views of French Government regarding conditions of Belgian accession. As regards minor appointments in the Administration, His Majesty's Government consider that these should be made strictly on merit	28

No.	No. and Name.	Date.	Subject.	Page.
26	To Sir E. Howard ... (Washington) **No. 1470**	1924 Sept. 22	Conveys terms of reply from His Majesty's Government to United States note on Tangier Convention ...	29
27	To the Marquess of Crewe (Paris) **No. 2993**	„ 22	Transmits copy of British reply to United States note on Tangier Convention for communication to French Government	30
28	To Sir H. Rumbold ... (Madrid) **No. 530**	„ 22	As Spanish Government have not replied, His Majesty's Government presume that they do not differ on any essential points in regard to terms of reply to United States note on Tangier. Transmits for communication to Spanish Government copy of British reply ...	31
29	To Mr. Kennard ... (Rome) **No. 1339. Conf.**	„ 24	Transmits for communication to Italian Government memorandum stating views of His Majesty's Government on conditions of Italian accession to Tangier Convention	31
30	Sir A. Grant-Duff ... (Stockholm) **No. 371**	„ 23	Transmits copy of a note from the Swedish Government stating that they have decided to adhere to Tangier Convention with minor reservations	33
31	To the Marquess of Crewe (Paris) **No. 3110**	Oct. 2	Transmits for observations of French Government note in which Swedish Government intimate their readiness to accede to Tangier Convention	34
32	Sir H. Rumbold ... (Madrid) **No. 516**	„ 8	Transmits note from Spanish Government stating their views regarding the date of application of the Tangier Statute and reply to be returned to the United States and Italian Governments regarding Tangier Convention	34
33	Sir R. Graham ... (Rome) **No. 873. Conf.**	„ 9	Record of conversation with Signor Musselini regarding rejection by His Majesty's Government of Italian conditions of accession	39
34	The Marquess of Crewe (Paris) **No. 2322**	„ 22	Transmits copy of a note from French Government stating that they have no objection to reservations made by Swedish Government in connection with their accession to Tangier Convention	40
35	Sir H. Rumbold ... (Madrid) **No. 537**	„ 20	Transmits copy of a note from Spanish Government regarding the accession of Italy to the Tangier Convention	40
36	Sir G. Grahame ... (Brussels) **No. 842**	Nov. 3	Transmits copy of a note from Belgian Government giving an account of their negotiations with the French Government regarding the accession of Belgium to the Tangier Convention	41
37	To Mr. Ramsay ... (Stockholm) **No. 291**	„ 12	Notes decision of Swedish Government to accede to Tangier Convention, and conveys concurrence in the view of the Swedish Government as to the implication of their accession	42
38	To Sir G. Grahame ... (Brussels) **No. 1528**	„ 14	States grounds on which Belgian Government should be urged to accede to Tangier Convention without further delay	43
39	Mr. Wingfield ... (Brussels) **No. 892**	„ 19	Transmits copy of note from Belgian Government regarding Tangier gendarmerie, together with copy of memorandum handed to M. Hymans stating views of His Majesty's Government on accession of Belgium to Tangier Convention	43
40	To the Marquess of Crewe (Paris) **No. 3681**	„ 25	Transmits copy of a despatch from His Majesty's Chargé d'Affaires at Brussels enclosing note from Belgian Government stating the conditions under which they will appoint Belgian commander of Tangier gendarmerie	45

No.	No. and Name.	Date.	Subject.	Page.
41	Sir C. Marling ... (The Hague) **No. 443**	1924 Nov. 25	Reports conversation with Minister for Foreign Affairs regarding accession of Holland to Tangier Convention	45
42	The Marquess of Crewe (Paris) **No. 2604**	„ 28	Reports conversation with head of the African Department of the Quai d'Orsay regarding accession of Belgium and Holland to the Tangier Convention ...	46
43	Sir G. Grahame ... (Brussels) **No. 937**	Dec. 5	Reports steps taken in concert with his French colleague to meet the desire of the Belgian Government regarding the Tangier gendarmerie	47
44	Sir G. Grahame ... (Brussels) **No. 942**	„ 6	Transmits copies of two notes from M. Hymans intimating the accession of Belgium to the Tangier Convention	49

(c.) Effect of the Tangier Convention on System of Protection.

No.	No. and Name.	Date.	Subject.	Page.
45	Mr. Phipps ... ... (Paris) **No. 1862**	1924 Aug. 26	Transmits copy of a note from the French Government regarding the status of former European protégés in the three zones of Morocco	49
46	Mr. Codrington ... (Tangier) **No. 261**	Sept. 9	Comments on French note of 25th August (see No. 45)..	51
47	To the Marquess of Crewe (Paris) **No. 3030**	„ 25	Transmits for communication to French Government memorandum stating views of His Majesty's Government on future status of protégés in Morocco ...	52
48	To the Marquess of Crewe (Paris) **No. 3578**	Nov. 15	Refusal of the French Government to meet wishes of the Dutch Government regarding status of protégés is the only obstacle to latter's accession to the Tangier Convention. French Government should be urged to yield	53
49	To Sir C. Marling ... (The Hague) **No. 526**	„ 15	Explains the position which has arisen from the difficulties raised by the Netherlands Government over the protégé question. Latter should be urged to accede to the Tangier Convention immediately, leaving protégé question for subsequent negotiation	53
50	To Sir H. Rumbold ... (Madrid) **No. 661**	„ 26	Spanish Government should be informed that, on entry into force of Tangier Convention, matters connected with protection will be dealt with by the consular officers at Rabat and Tetuan for the French and Spanish zones respectively	55
51	To Mr. Consul-General Clive (Tangier) **No. 492**	„ 26	Transmits a copy of despatch No. 661 to Madrid (see No. 50). Substance of the despatch should be communicated to the consular officers at Rabat and Tetuan	55
52	To the Marquess of Crewe (Paris) **No. 3699**	„ 26	French Government should be informed that, on entry into force of Tangier Convention, matters connected with protection will be dealt with by the consular officers at Rabat and Tetuan for the French and Spanish zones respectively	56

(d.) Tangier Port.

No.	No. and Name.	Date.	Subject.	Page.
53	Mr. Phipps ... ... (Paris) **No. 1584. Conf.**	1924 July 21	States position regarding new share issue of the Tangier Port Company	56

No.	No. and Name.	Date.	Subject.	Page.
54	French Chargé d'Affaires (London)	1924 Sept. 4	The Italian representative at Tangier has protested against the lighterage dues. Suggests that the signatories of the Tangier Convention should jointly invite the other signatories of the Act of Algeciras to agree to the dues	57
55	To Sir C. Marling ... (The Hague) **No. 445** To Sir G. Grahame ... (Brussels) **No. 1313** To Sir L. Carnegie ... (Lisbon) **No. 307** To Sir R. Graham ... (Rome) **No. 1328** To Sir E. Howard ... (Washington) **No. 1476**	...	Transmits instructions to concert with French and Spanish colleagues in securing approval of increased port dues at Tangier	58
56	Mr. Consul-General Clive (Tangier) **No. 329**	Oct. 17	Reports on loss caused to the Tangier Port Company by the delay in bringing into force increased port dues ...	59
57	To French Ambassador (London)	„ 23	His Majesty's representatives at Brussels, Lisbon, The Hague and Washington have been unable to act because their Spanish and French colleagues have no instructions. Suggests that latter should be instructed urgently, if necessary, to concert with their British colleagues without waiting for Spanish	61
58	French Ambassador ... (London)	„ 24	Draws the attention of His Majesty's Government to the difficulties there will be in maintaining two British directors on the board of the Port Company if the British holding is not fully taken up	62
59	To Sir H. Rumbold ... (Madrid) **No. 625**	Nov. 8	Requests information on attitude of Spanish Government in the matter of the allocation of the Spanish quota of the Tangier Port Company's share issue ...	62
60	Sir H. Rumbold ... (Madrid) **No. 593**	„ 18	States views of Spanish Government on question raised by French Government as to representation on the board of the Tangier Port Company	63

Chapter II.—FRENCH ZONE.

No.	No. and Name.	Date.	Subject.	Page.
61	Colonial Office ...	1924 Aug. 28	Views as to concessions to be demanded in return for renunciation of the Capitulations	64
62	Mr. Consul-General Clive (Tangier) **No. 345**	Oct. 28	Transmits copy of a despatch recording the arrival of His Majesty's consul-general at Rabat	64
63	To Mr. Consul-General Clive (Tangier) **No. 523**	Dec. 12	Status of natives of British-protected States and of British mandated territories in the French zone of Morocco	67

No.	No. and Name.	Date.	Subject.	Page.
	Chapter III.—SPANISH ZONE.			
	(a.) Military Operations			
64	Mr. Codrington ... (Tangier) **No. 188**	1924 July 12	Transmits copy of a despatch from the vice-consul at Tetuan regarding recent operations in the Spanish zone	69
65	Mr. Codrington ... (Tangier) **No. 285**	Sept. 19	Transmits copy of a despatch from His Majesty's consul at Rabat regarding military events on the Franco-Spanish boundary	71
66	Mr. Codrington ... (Tangier) **No. 293**	„ 25	Encloses memorandum on recent events in the Spanish zone	72
67	Mr. Vice-Consul Hope-Gill (Tetuan) to Mr. Clive (Tangier) **No. 216**	Nov. 26	Reports on Spanish reverse on the Sheshuan road ...	75
	(b.) Spanish Withdrawal and its Effect on Moroccan Situation.			
68	Mr. Consul-General Clive (Tangier) **No. 334**	1924 Oct. 20	Transmits copy of a despatch from the vice-consul at Fez regarding the future of the Spanish zone ...	76
69	The Marquess of Crewe (Paris) **No. 2564**	Nov. 25	Situation in Spanish Morocco and its repercussion on French Morocco and French policy	78
70	Mr. Chamberlain, Memorandum	Dec. 7	Record of conversation with Signor Contarini, who referred to situation in Morocco	81
71	Mr. Chamberlain, Memorandum	„ 7	Record of conversation with Signor Mussolini, who enquired what had passed between M. Herriot and Mr. Chamberlain on the subject of Morocco	82
72	Foreign Office Memorandum	„ 10	Memorandum on the effects of the Spanish withdrawal in Morocco	84
73	To Sir H. Rumbold ... (Madrid) **No. 697**	„ 16	Record of conversation with Spanish Ambassador, who referred with apprehension to Mr. Chamberlain's conversations in Paris and Rome regarding the Moroccan situation	88
	(c.) British Claims in Spanish Zone.			
74	Mr. Shearman ...	1924 Nov. 18	Report on the final session of the Anglo-Spanish Moroccan Claims Commission held at The Hague ...	89
	(d.) Status of Vice-Consulate at Tetuan.			
75	To Mr. Clive ... ... (Tangier) **No. 481**	1924 Nov. 20	Encloses Draft Morocco (Tangier Zone) Order in Council, 1924, and explains the status of the British consular representative at Tangier after the entry into force of the Tangier Convention	91

Printed for the use of the Foreign Office.

CONFIDENTIAL.

Further Correspondence respecting Morocco.

PART 56.

CHAPTER I.—TANGIER ZONE.

(a.) Measures preparatory to the Entry into Force of the Tangier Convention.

[W 5704/17/28] No. 1.

M. de Montille to Mr. MacDonald.—(Received July 10.)

Ambassade de France, Londres,
le 7 juillet 1924.

M. le Secrétaire d'État,

LE Résident général de France au Maroc a fait savoir à M. Herriot que les délais nécessaires à la traduction en arabe et en espagnol des textes préparés par les commissions de Paris et de Rabat ne permettront pas la mise en vigueur avant le 1er août du Statut de Tanger.

J'ai donc été chargé de demander à votre Excellence si cette date serait agréée par le Gouvernement britannique.

Je vous serais également obligé, à cette occasion, de vouloir bien me faire savoir si le Gouvernement de Sa Majesté est disposé à confirmer les instructions qu'il a déjà données à ses représentants à Paris et à Rabat afin que les commissions chargées d'élaborer les textes applicables à la région de Tanger terminent leurs travaux dans le plus bref délai possible.

Veuillez, &c.
J. DE MONTILLE.

[W 5704/17/28] No. 2.

Mr. MacDonald to Mr. Phipps (No. 2321), Paris, and Mr. Gurney (No. 376), Madrid.

Foreign Office, July 18, 1924.

Sir,

I TRANSMIT herewith copies of correspondence with the French Ambassador in regard to the date when the Tangier Convention shall come into force.*

2. I should be glad if you would take an early opportunity to discuss the matter with the competent officials at the Ministry for Foreign Affairs, and endeavour to persuade them to agree to the proposals of His Majesty's Government as set forth in my note to the Comte de Saint-Aulaire.

I am, &c.
J. RAMSAY MACDONALD.

---

* Nos. 1 and 3.

[W 5704/17/28] No. 3.

Mr. MacDonald to Count de Saint-Aulaire.

Your Excellency, *Foreign Office, July* 18, 1924.

IN your note of the 7th instant your Excellency stated that the delays involved in the preparation of Spanish and Arabic translations of the texts drafted by the legal commissions at Paris and Rabat would not allow the entry into force of the Tangier Convention before the 1st August next, and you enquired whether His Majesty's Government were ready to agree to that date.

2. Upon further consideration of the matter, His Majesty's Government have come to the conclusion that it will be impossible to bring the new régime and the new codes into force simultaneously. The British representative on the Paris Commission reports that even with the utmost expedition there is no prospect of the French text of the codes being ready until the beginning of August at the earliest. The three contracting parties to the convention will then have to consider and give their assent to the codes, a formality which, in the case of the Spanish Government at all events, will probably take some time. The preparation of an Arabic translation will necessarily be a lengthy business, and when the complete texts have been printed and published, time must be allowed for their study by the lawyers and people of Tangier. Finally, the necessary administrative measures for the appointment of the subordinate staff of the tribunal and for the provision of a court-house, prison, &c., will have to be made. It is clear that if the entry into force of the convention be postponed until the Mixed Tribunal is ready to function, a deplorable delay of many weeks and even months will occur. In the circumstances, His Majesty's Government propose that the three signatory Powers should agree together at once that, until the necessary legal and administrative arrangements for the Mixed Tribunal have been completed, the existing consular jurisdictions should be provisionally maintained.

3. If this proposal be accepted, there is nothing to prevent the entry into force of the convention on the earliest convenient date after the commission at Paris has completed its labours, which, as stated above, will not be till August. Even if this estimate does not prove unduly optimistic, the selection of the 1st September offers the disadvantage that it will interfere with the leave of a number of officials and that many prominent members of the various foreign colonies, who may be required to sit in the assembly, will still be absent from Tangier. A further delay of one month would overcome this difficulty and would have the additional advantage of allowing more time for the accession of other Powers to the convention. His Majesty's Government are anxious to fix a date beyond which no further postponement need be made. They accordingly propose that the 1st October should be definitely fixed for the entry into force of the convention and they declare themselves ready to take their part in initiating the new régime on that date.

4. With reference to the last paragraph of your note, I have the honour to state that Mr. Fitzgerald, the British representative on the Paris Commission, is continuing to do the utmost to secure the early completion of the commission's task. The Rabat Commission has, I understand, recently terminated its work.

5. I may add for your information that instructions are being sent to His Majesty's Ambassador at Madrid to approach the Spanish Government and to endeavour to secure their assent to the above proposals.

I have, &c.
J. RAMSAY MACDONALD.

[W 6396/17/28] No. 4.

Count de Saint-Aulaire to Mr. MacDonald.—(Received August 2.)

M. le Secrétaire d'État, *Ambassade de France, Londres, le 28 juillet* 1924.

PAR sa lettre en date du 18 de ce mois, votre Excellence m'a fait connaître les vues du Gouvernement de Sa Majesté au sujet de la mise en vigueur du Statut de Tanger. Elle proposait que la mise en vigueur de la convention du 19 décembre dernier fût fixée au 1er octobre prochain et que cette date ne fût pas reculée.

Le Gouvernement français se rallie à la manière de voir du Gouvernement britannique en ce qui concerne les raisons qui empêchent de mettre en vigueur le Statut

de Tanger le 1er août, comme il avait été projeté tout d'abord. M. Herriot estime, au surplus, que les raisons qui empêcheraient de mettre ce statut en application à la date du 1er septembre sont également valables pour le 1er octobre, un très grand nombre de membres des différentes colonies européennes ne rentrant à Tanger que dans le courant d'octobre.

Dans ces conditions, le Gouvernement français et le Gouvernement britannique pourraient décider avec le Gouvernement espagnol que la mise en vigueur du Statut de Tanger aurait lieu le 1er novembre 1924 et que toutes mesures seront prises par les trois Gouvernements intéressés pour que, sous aucun prétexte, cette date ne soit encore retardée.

M. Herriot vient de prier le Chargé d'Affaires de France à Madrid de soumettre cette proposition au Gouvernement espagnol.

A cette occasion, M. Herriot me charge de remercier votre Excellence des instructions qu'elle a bien voulu envoyer au représentant britannique à la Commission des Codes qui s'est réunie à Paris. Le concours de Mr. Fitzgerald est très hautement apprécié par son collègue français, et il a bien voulu faire savoir au Sous-Directeur d'Afrique du Ministère des Affaires étrangères que la commission ne prendrait pas de congé avant d'avoir terminé ses travaux. Il espère que ceux-ci seront terminés aux environs du 15 août prochain.

M. Herriot me prie également de faire savoir à votre Excellence qu'il estime comme elle que les juridictions consulaires de Tanger devront rester en vigueur tant que le nouveau tribunal mixte n'aura pas été installé.

L'installation de ce tribunal ne pourra avoir lieu que quelques semaines après la mise en vigueur du statut. Il y a lieu de penser que le statut étant en application le 1er novembre, la nouvelle juridiction internationale pourra commencer à fonctionner le 1er janvier 1925, mais il conviendra qu'à la date précitée du 1er novembre les membres du tribunal mixte soient tous à leur poste.

Veuillez agréer, &c.
SAINT-AULAIRE.

[W 6396/17/28] No. 5.

Mr. MacDonald to Count de Saint-Aulaire.

Your Excellency, *Foreign Office, August* 13, 1924.

WITH reference to your Excellency's note of the 28th ultimo, I am happy to state that His Majesty's Government entirely agree with the proposal of the French Government that the 1st November next should be fixed as the date when the Tangier Convention will come into force. Instructions have been sent to His Majesty's Ambassador in Madrid to join his French colleague in urging this proposal on the Spanish Government.

2. His Majesty's Government concur with the French Government in hoping that it will be possible to arrange for the Mixed Tribunal at Tangier to begin to function on the 1st January next. The necessary steps will be taken to ensure the presence at Tangier by the 1st November of the two British judges.

I have, &c.
J. RAMSAY MACDONALD.

[W 6920/17/28] No. 6.

Mr. Phipps to Mr. MacDonald.—(Received August 20.)

(No. 1811.)

Sir, *Paris, August* 19, 1924.

WITH reference to the Marquess of Crewe's despatch No. 1258 of the 6th June and to subsequent unofficial correspondence ending with Mr. Knatchbull-Hugessen's letter of the 13th August to Mr. Villiers, I have the honour to transmit to you herewith copies of the draft dahir dealing with the organisation of the Mixed Tribunal at Tangier. This draft was communicated to me yesterday by the Minister for Foreign Affairs, who had received it from the Codes Commission now working in Paris.

I have, &c.
ERIC PHIPPS.

Enclosure in No. 6.

Annexe au Projet de Dahir sur l'Organisation de la Juridiction internationale à Tanger.

ARTICLE 1er. A partir de l'entrée en vigueur du présent dahir, le Tribunal mixte de Tanger, outre l'attribution de juridiction qui lui est faite par l'article 13 de la convention du 18 décembre 1923, connaîtra de toutes les affaires civiles et commerciales dans lesquelles des ressortissants des Puissances étrangères seront en cause. (*Cf.* Org. jud. Z.F. 2.)

Art. 2. En matière immobilière, la compétence du Tribunal mixte est limitée au cas où des ressortissants des Puissances étrangères sont seuls en cause. (*Cf.* Org. jud. Z.F. 3.)

Art. 3. Le règlement des contestations relatives au statut personnel et aux successions de sujets de notre Empire musulmans ou israélites, est expressément réservé aux tribunaux qui en connaissent actuellement.

Toutefois, si ces contestations se produisent au cours d'un litige dont est saisi le Tribunal mixte, ce tribunal peut les trancher, mais uniquement pour la solution du litige. (*Cf.* Org. jud. Z.F. 4.)

Art. 4. Les décisions antérieurement rendues par les juridictions compétentes de notre Empire continuent à être reconnues et exécutées, quelle que soit la nationalité des parties en cause. (*Sic*, Org. jud. Z.F. 5.)

Art. 5. A partir de l'entrée en vigueur du présent dahir, le Tribunal mixte connaîtra, dans les limites de la compétence respective de ses diverses sections, et en conformité avec les lois pénales de la zone internationale :

1. De tous crimes, délits ou contraventions commis par des ressortissants étrangers ;
2. De tous crimes, délits ou contraventions commis par des sujets de notre Empire avec la participation de ressortissants des Puissances étrangères ;
3. De tous crimes, délits ou contraventions commis par des sujets de notre Empire lorsque des ressortissants des Puissances étrangères en seront les victimes ;
4. De tous crimes, délits ou contraventions commis :

(*a.*) A son audience et dans les lieux où un ou plusieurs de ses magistrats procèdent à un acte de leur fonction ;
(*b.*) De tous crimes ou délits de faux témoignage, faux serment ou subornation de témoins devant le Tribunal mixte, tant en matière civile qu'en matière pénale ;
(*c.*) Contre l'exécution des arrêts, jugements, sentences, ordonnances ou mandats du Tribunal mixte ;
(*d.*) Contre les magistrats, assesseurs, jurés ou officiers de justice du Tribunal mixte dans l'exercice ou à l'occasion de l'exercice de leurs fonctions ;
(*e.*) Par les magistrats, assesseurs, jurés ou officiers de justice du Tribunal mixte dans l'exercice de leurs fonctions ou par suite d'un abus d'autorité.

Art. 6. En matière administrative, le Tribunal mixte de Tanger connaît, dans les limites de la compétence attribuée à chacune de ses sections, de toutes les instances tendant à faire déclarer débitrices les administrations publiques, soit à raison de l'exécution des marchés conclus par elles, soit à raison des travaux qu'elles ont ordonnés, soit à raison de tous actes de leur part ayant porté préjudice à autrui.

Doivent être portées devant le même tribunal les actions intentées par les administrations publiques contre les particuliers.

Les administrations publiques sont valablement représentées en justice par un de leurs fonctionnaires.

Il est interdit au Tribunal mixte d'ordonner, accessoirement à l'une des demandes ci-dessus ou principalement, toutes mesures dont l'effet serait d'entraver l'action des administrations publiques, soit en portant obstacle à l'exécution des règlements pris par elles, soit en enjoignant l'exécution ou la discontinuation de travaux publics, soit en modifiant l'étendue et le mode d'exécution desdits travaux.

Il est également interdit au Tribunal mixte de connaître de toutes demandes tendant à faire annuler un acte d'une administration publique, sauf le droit, pour la partie intéressée, de poursuivre, par la voie gracieuse, la réformation de l'acte qui lui

fait grief. Les décisions rendues en matière administrative sont toujours susceptibles d'appel. (*Cf.* Org. jud. Z.F. 8.)

Art. 7. L'autorité compétente fera publier * avant le fonctionnement du Tribunal mixte de Tanger les codes mentionnés à l'article 48 de la convention. Pendant ce délai, un exemplaire de ces codes rédigés en arabe, en espagnol et en français restera déposé dans chaque consulat et au greffe du Tribunal mixte. Ce dernier exemplaire sera classé aux archives du tribunal. (*Cf.* C. civ. mixte égypt., article 1er, Règlement d'Organisation judiciaire égypt., articles 35 et 38.)

Art. 8. Les causes commencées devant les consulats étrangers au moment de l'installation du Tribunal mixte, y seront continuées jusqu'à leur solution définitive. Elles pourront cependant, à la demande des parties et avec le consentement de tous les intéressés, être transportées au Tribunal mixte pour y être poursuivies et jugées. (*Cf.* C. civ. mixte égypt., article 3, Règlement d'Organisation judiciaire égypt., article 39.)

[**W 8852/17/28**] No. 7.

Mr. MacDonald to the Marquess of Crewe (*Paris*).

(No. 3243.)

My Lord, *Foreign Office, October* 15, 1924.

WITH reference to my telegram No. 238 of the 7th instant, I transmit herewith a copy of a despatch from His Majesty's Ambassador at Madrid covering a note from the Spanish Government on various points connected with the Tangier Convention.†

2. I request that your Lordship will communicate to the French Government that portion of the note which deals with the date of the entry into force of the Tangier Convention. As you will observe that Spanish Government, contrary to what I had been led to expect, do not definitely offer to agree to the 1st November if His Majesty's Government and the French Government desire to adhere to that date, but maintain the view that postponement till the 1st January is not only desirable, but necessary. The proximity of the 1st November renders it urgent that the British and French Governments should come to an immediate decision as to whether they should adhere to their own view or acquiesce in that of the Spanish Government.

I am, &c.

J. RAMSAY MacDONALD.

[**W 9032/17/28**] No. 8.

The Marquess of Crewe to Mr. MacDonald.—(*Received October* 17.)

(No. 2284.)

Sir, *Paris, October* 16, 1924.

WITH reference to your despatch No. 3243 of the 15th October regarding the entry into force of the Tangier Convention, I have the honour to transmit to you herewith a copy of a note on this subject which has just reached me from the French Government.

In view of the suggestion contained in this note, I have thought it preferable not to take action, without further instructions, on your despatch No. 3243.

I have, &c.

CREWE.

Enclosure in No. 8.

M. Herriot to the Marquess of Crewe.

M. l'Ambassadeur, *Paris, le* 16 *octobre* 1924.

PAR sa lettre du 8 de ce mois, votre Excellence a bien voulu me faire savoir que le Gouvernement de Sa Majesté britannique avait fait part au Gouvernement espagnol de son désir de voir le Statut de Tanger entrer en vigueur le 1er novembre prochain. Le Gouvernement espagnol aurait préféré la date du 1er janvier, mais

* Délai à fixer. † No. 32.

il se ralliera à la date du 1er novembre, si les deux Gouvernements anglais et français le désirent. Les tribunaux consulaires demeureraient en vigueur jusqu'à l'établissement du Tribunal mixte

Il me paraît hautement désirable, comme au Gouvernement de Sa Majesté, de ne pas retarder davantage la mise en vigueur du Statut de Tanger. Je reconnais, toutefois, la difficulté que présenterait l'application en une fois du statut, et j'ai l'honneur de prier votre Excellence de recommander au plus bienveillant examen du Gouvernement royal la proposition suivante, qui me paraît répondre à ses vues, tout en donnant aux préoccupations espagnoles une satisfaction qui ne manquerait vraisemblablement pas d'être bien accueillie à Madrid.

L'administrateur français et les deux administrateurs-adjoints anglais et espagnol, ainsi que les magistrats français, anglais et espagnols, seraient nommés pour compter du 1er novembre et seraient invités à se trouver à cette date à Tanger. L'administrateur et les administrateurs-adjoints se concerteraient sur l'organisation des services et se mettraient en rapports avec l'assemblée dont les membres seraient désignés par les différents consulats dans le courant de novembre. Le nouveau régime administratif commencerait à fonctionner intégralement le 1er décembre.

Les magistrats organiseraient leurs services et prépareraient la mise en vigueur du nouveau régime judiciaire qui fonctionnerait à compter du 1er janvier, les tribunaux consulaires étant maintenus jusqu'à cette date.

La mise en vigueur du statut à la date du 1er décembre aurait également pour avantage de permettre aux trois Gouvernements de Paris, de Londres et de Madrid de poursuivre leurs négociations avec les Puissances signataires de l'Acte d'Algésiras pour obtenir leur adhésion à la Convention du Statut de Tanger. Elle permettrait, enfin, de procéder, le 26 novembre, sous le régime actuellement en vigueur, à l'adjudication si désirable des travaux du port de Tanger, la Commission du Port de Tanger n'étant pas encore constituée.

J'attacherais du prix à connaître, dans le plus bref délai, l'agrément du Gouvernement de Sa Majesté britannique aux propositions ci-dessus afin de pouvoir en entretenir le Gouvernement espagnol

Veuillez agréer, &c.

HERRIOT.

[W 9032/17/28]

No. 9.

Mr. MacDonald to Sir H. Rumbold (Madrid).

(No. 74.)

(Telegraphic.) R. *Foreign Office, October* 17, 1924.

YOUR despatch No. 518 of 9th October.

French Government have proposed by way of compromise that the three administrators and the six magistrates should be appointed as from 1st November, and should be invited to be at Tangier on that date. The former to concert in organising the administration and to get into touch with the Assembly, the members of which should be nominated in the course of November. The new administrative régime to begin to function integrally on 1st December. The magistrates to prepare for the application of the new judicial régime on 1st January, the consular courts being maintained until that date.

We have agreed to above. Please join your French colleague in recommending proposal to Spanish Government, who, we trust, will appreciate this evidence of desire to meet their wishes, and will signify early approval.

[W 9362/17/28]

No. 10.

Sir H. Rumbold to Mr. MacDonald.—(*Received October* 28)

(No. 548.)

Sir, *Madrid, October* 24, 1924.

ON receipt of your telegram No. 74 of the 17th instant, I prepared a note informing the Spanish Government of His Majesty's Government's agreement with the terms of the French proposals regarding the date of application of the Statute of Tangier. A copy of this note is enclosed herewith.

2. As reported in my telegram No. 102 of the 22nd October, I sent in this note to the Spanish Government as soon as I had heard that my French colleague was in receipt of instructions.

3. Meanwhile, crossing my note in question, the Spanish Government informed me of their willingness to agree to the French proposals on learning that His Majesty's Government concurred in them. I transmit to you herewith translation of the Spanish Government's note in this connection.

4. As I had the honour to report in my telegram No. 103 of the 23rd instant, I addressed to the Spanish Government, on receipt of the note above-mentioned, a further confirmatory note to avoid any possibility of misunderstanding, and I transmit a copy of this note herewith, as also translation of the Spanish Government's reply thereto, which has reached me to-day, and states that the Directorate had already issued yesterday the appropriate orders to the Spanish authorities concerned in regard to putting the terms of the French proposals into force.

5. It is perhaps somewhat curious, as illustrating the difficulty that sometimes arises in concerting with colleagues, that on the evening of the 22nd October a member of the French Embassy rang up a member of my staff, and having enquired whether I had yet sent in my note to the Spanish Government, and having been informed that I was still waiting until my French colleague was ready, proposed that each Embassy should send in their note on the following day. It appears from the Spanish Government's note of the 22nd October, that at the time the French secretary made this proposal, the French note had already been for some hours in the hands of the Military Directorate.

I have, &c.

HORACE RUMBOLD.

Enclosure 1 in No. 10.

Sir H. Rumbold to the Marquis de Mágaz.

Your Excellency, *Madrid, October* 20, 1924.

I DID not fail to forward to His Majesty's Principal Secretary of State for Foreign Affairs a translation of your Excellency's note of the 30th September, which set out, *inter alia*, the Spanish Government's views as to the date on which the Convention of Tangier should be brought into force. The Spanish Government gave their reasons for suggesting that the convention should not come into force until the 1st January.

The *aide-mémoire* which Mr. Gurney handed to your Excellency on the 8th instant stated that His Majesty's Government remained of the opinion that the convention should come into force on the 1st November. Desirous, however, of taking the wishes of the Spanish Government into account, His Majesty's Government have now given their agreement to a proposal of the French Government that by way of compromise the three administrators and the six magistrates should be appointed as from the 1st November, and should be invited to be at Tangier on that date. The administrators would concert in organising the administration and get into touch with the Assembly, the members of which should be nominated in the course of November. The new administrative régime would begin to function integrally on the 1st December. The magistrates would prepare for the application of the new judicial régime on the 1st January, the Consular Courts being maintained until that date.

In submitting the above-mentioned proposal, His Majesty's Government trust that the Spanish Government will appreciate this evident desire to meet their wishes and the hope that the proposal in question will commend itself to them, and in that case that His Majesty's Government may be favoured with an early reply.

I avail, &c.

HORACE RUMBOLD.

Enclosure 2 in No. 10.

The Marquis de Mágaz to Sir H. Rumbold.

(Translation.)

Your Excellency, *Madrid, October* 22, 1924.

IN reply to the observations regarding the date of application of the Statute of Tangier, which, in the name of His Majesty's Government, I communicated, in the same way as to your Excellency, to the Ambassador of the French Republic under date

of the 7th instant, Viscount de Fontenay, in a note which I have just received, is good enough to inform me that, while it is on all hands desirable, in his Government's judgment, that the application of the statute in question should not be longer deferred, and that while, nevertheless, they have considered with due attention the Military Directorate's observations on this matter, the Cabinet of Paris are of opinion, in the last resort, that, as a compromise solution, it might be decided forthwith that the Spanish, British and French magistrates should be appointed as from the 1st November last, and invited to meet on the said date in the town of Tangier; that the administrator and administrators adjunct should concert regarding the organisation of all services during the course of the said month of November, during which, equally, the members of the Municipal Assembly should be appointed; and that the new administrative régime should begin to function integrally from the 1st December. The magistrates appointed by the respective Governments should prepare meanwhile for the functioning of the new judicial régime, which should begin to function from the first day of next year, consular jurisdiction being maintained until that date.

His Majesty's Government, although they remain convinced that anything short of the simultaneous application of the administrative statute and of the Mixed Tribunals involves a fundamental confusion which might be prejudicial to the prestige which ought to attend the new statute from the first moment of its functioning, have decided, in deference to His Britannic Majesty's and the French Governments, not to insist on the integral application of their criticism, and in consequence to accept as a compromise solution that which is involved by the proposals of Viscount de Fontenay above transcribed, taken as a whole.

Inasmuch, however, as the Military Directorate consider it indispensable to be directly and explicitly informed that the proposals under reference have won the approval of His Majesty's Government, I should be grateful if your Excellency would be so good as to bring to my knowledge at the earliest possible moment your reply touching this head, in the expectation of which reply I avail, &c.

EL MARQUÉS DE MÁGAZ.

Enclosure 3 in No. 10.

Sir H. Rumbold to the Marquis de Mágaz.

Your Excellency, *Madrid, October* 23, 1924.

I HASTEN to acknowledge receipt of your Excellency's note of yesterday's date, informing me of the proposals made by his Excellency the French Ambassador in regard to the date of application of the Statute of Tangier, and stating that His Catholic Majesty's Government were prepared to accept these proposals if His Majesty's Government were in agreement with them.

2. As I had the honour to inform your Excellency in my note which was sent to you yesterday and which crossed your Excellency's note under reference, His Majesty's Government are in full accord with the proposals made by M. de Fontenay.

I have, &c.

HORACE RUMBOLD.

Enclosure 4 in No. 10.

The Marquis de Mágaz to Sir H. Rumbold.

(Translation.)

Your Excellency, *Madrid, October* 23, 1924.

YOUR Excellency's note dated the 20th instant reached me yesterday after the signature and despatch of my note of the 22nd instant, in which I had the honour to solicit, through the worthy channel of your Excellency, His Britannic Majesty's opinion regarding the French Government's proposals, taken as a whole, in regard to the application of the Statute of Tangier.

2. Already in my yesterday's note in question I informed your Excellency of the anticipated acquiescence of the Military Directorate in the proposals under reference, an acquiescence for the definite giving of which His Majesty's Government were only waiting to ascertain the opinion of the Foreign Office on the subject. And since the judgment of His Majesty's Government coincides, as I infer from your Excellency's

note of the 20th instant, of which mention has been made above, with the French proposals regarding the subject, taken as a whole, I have the honour to confirm to your Excellency that the Military Directorate have consented to the immediate issue to-day of the appropriate orders for the immediate formal designation of the Spanish magistrates and of the administrator adjunct and for one and other in amicable agreement with their British and French colleagues to proceed during the month of November next to the organisation of all the services and to the designation of the members of the Municipal Assembly in such form that the new administrative régime may begin to rule from the 1st December and the statute integrally—that is to say, with the co-operation and the full functioning of the Mixed Tribunals as from the 1st January next year 1925. It is understood that the consular tribunals shall subsist until this date.

I have the honour to reaffirm to your Excellency the Military Directorate's consent to the points above referred to, and in so doing I avail, &c.

EL MARQUÉS DE MÁGAZ.

[W 9660/17/28] No. 11.

Mr. R. G. Fitzgerald to Foreign Office.—(Received November 7.)

Office du Protectorat de la République française au Maroc,
21 rue des Pyramides, Paris.

Sir, [*Undated.*]

CODES Commission of Tangier.

I have the honour to submit copies of the codes which have been drafted by the commission appointed under article 32 of the Tangier Convention.*

The codes prescribed by article 48 of the convention for the use of the Tribunal mixte de Tangier are :—

" Code sur la condition civile des étrangers dans la zone " ;
" Code de Commerce" ;
" Code pénal" ;
" Code de Procédure criminelle" ;
" Code des Obligations et Contrats" ;
" Code de Procédure civile avec annexe fixant les frais de justice" ;
" Code de l'Immatriculation."

In addition to the above-mentioned codes, the commission, in circumstances which are within the knowledge of the Foreign Office, prepared an "Annexe au Projet de Dahir sur l'Organisation de la Juridiction internationale à Tanger" and an "Annexe au Code des Obligations et Contrats (accidents du travail)."

Copies of each of these "projets" accompany the draft codes enumerated in article 48 of the convention.

As it may be of interest to the Secretary of State for Foreign Affairs to have some details of the proceedings of the Codes Commission on which I have had the honour of serving as British delegate, and of the conditions in which the preparation of legislation for the new International State of Tangier has been carried out, I have pleasure in submitting the following observations :—

The commission which met for the first time on the 25th April, 1924, and held its concluding séance on the 4th November, was composed as follows :—

French Delegate and President : M. Maurice Gentil, Conseiller à la Cour de Paris, ancien Magistrat des Tribunaux de Tunisie, Algérie et du Maroc.
Spanish Delegate : Señor Joaquín Lacambra y Brun, Judge, Tribunal of Tetuan.
British Delegate : Myself.

It has taken six months of uninterrupted work to complete the "Projets de Codes" which this letter accompanies, a period which will not be considered excessive when regard is had to the nature of the difficulties involved in the creation of legislation suited to the needs and conditions of a new internationally administered State. Although it was agreed at the outset that the codes applied in the French Protectorate of Morocco should serve as a working basis, it speedily became obvious in practice that

* Not printed.

there were limits to the extent to which these codes could be adapted to the requirements of the zone of Tangier. The very fact that Tangier is to be internationally administered involved the consequence that the points of view, not of one, but of three nations had constantly to be taken into consideration; the task of reconciling the divergent notions of legislation prevailing in the three countries represented on the commission would have proved extremely difficult but for the spirit of conciliation, harmony and goodwill which from the beginning to the end characterised the relations of the members of the commission towards each other. In this connection I feel it to be my duty to pay a special tribute to the attitude of my French and Spanish colleagues, and to the patience and reasonable spirit with which each was ready at all times to listen to the proposals of the other, or to those which not infrequently I had occasion to make myself. The commission was indeed fortunate in having for president M. Gentil. His long experience as a magistrate in Tunis, Algiers and Morocco, his practical knowledge of civil and criminal procedure and of the systems of "immatriculation" in force in those countries, qualified him in an exceptional degree for the task of presiding at the meetings of the commission. I cannot speak gratefully enough of the courtesy with which he was always ready and even anxious to explain to his colleagues the meaning and bearing of many points of French law and procedure which were not clear to the Spanish delegate and myself.

To Señor Lacambra grateful acknowledgment is due for the moderation and reasonableness with which he urged the Spanish point of view where this differed from that of the French and British delegates. It was indeed to be expected that the representative of the Power having the largest European population at Tangier would desire that the legislation of the international zone should approximate in many respects to the Spanish models. At the outset it was agreed between M. Gentil and myself that such a wish was both natural and legitimate, and we decided to meet the Spanish delegate's wishes as far as it might be possible and reasonable to do so. Fortunately, Señor Lacambra never put forward proposals of an unreasonable or exaggerated kind, and his suggestions, always made with tact and moderation, were, when the French delegate and myself felt unable to accept them, withdrawn without friction or bitterness. In many respects Señor Lacambra's work was of great service to the commission, and I desire in particular to record the fact that the codes have all been translated into Spanish by his own unaided efforts *pari passu* with the appearance of the French originals. It is, perhaps, difficult to convey an idea of the magnitude of the task involved in the completion of these translations, or of the value of the service which the Spanish delegate has rendered to the Administration of Tangier in having them ready for publication at the same time as the French originals. I am of opinion that the Spanish texts have, in spite of the difficulties inherent in translating the technical subject-matter of legal codes from one language into another, been admirably rendered.

I have also to record my appreciation of the services rendered to the commission by its secretaries M. Daroux, Docteur en Droit, of the Office du Protectorat de la République française au Maroc, and his successor, Mlle. Dodart. Thanks to their intelligent and very efficient assistance, the labours of the commission have been considerably lightened. My acknowledgments are also due to the Directeur de l'Office du Protectorat français for his courtesy in according me the use of a room and facilities for carrying on my work at the office.

Before referring to the codes individually, it will be convenient if I mention the part taken by myself as British delegate to the commission. It was clear from the outset that the complexion of the codes of the zone of Tangier would be continental and not British. The convention itself appears to have been framed on this assumption, which is, further, warranted by the presence at Tangier of a far larger continental European, than British, population. The application to British subjects of continental systems of legislation is no novelty. In Egypt, the Mixed Codes, founded on principles of continental law, have been in force for fifty years, and their application to British and other European inhabitants of Egypt has not caused any sense of grievance. In Tunis, for many years past, the French codes, criminal as well as civil, have been applied to British subjects. In my opinion it would have been undesirable, even if it had been possible, to introduce into a continental framework institutions and ideas belonging to another system and involving different legal conceptions. My object throughout the existence of the commission has been, while accepting the French, and to some extent the Spanish, codes of Morocco as a basis, to improve upon them by the eliminations of obscurities, the suppression or amendment of articles which appeared unsuited to Tangier or defective in themselves, and, in a general sense, to arrive at the

production of sound, workable texts. A very large number of amendments to the various codes, and particularly the "Code des Obligations et Contrats," the "Code de Commerce," the "Code de Procédure civile" and the "Code pénal," were adopted on my suggestion. As the president of the commission spoke no Spanish and the Spanish delegate's power of expressing himself in French was limited, it was not infrequently my experience to find myself acting as interpreter, and at other times I was able to propose a middle course between conflicting French and Spanish points of view.

Regarding the codes as a whole, I trust that I shall not be making an exaggerated claim if I express my belief that they mark an improvement in certain respects on the codes in use in the French zone of Morocco, and that they furnish a body of legislation suitable to the peculiar conditions of the international zone of Tangier and amply sufficient to meet the needs of the new régime in the early stages which will follow its inauguration. With the possible exception of the "Loi sur les Accidents du Travail," the commission have all along adhered to the principle that nothing should at this stage be attempted in the direction of social or other special legislation. The commission took the view that it is rather for the Legislative Assembly of Tangier to adopt measures of this kind in the light of the experience which will be gained after the new Administration has been organised and the development of the zone as an international State has proceeded for some time.

Code des Obligations et Contrats.

The longest of the codes prepared by the commission is the "Code des Obligations et Contrats," which contains 1,408 articles as compared with 1,250 in the corresponding code of the French zone. The Tangier code differs in many respects from the latter. In the arrangement and grouping of the articles, the code applied in the Spanish zone has been followed. A number of articles have been drawn from this code, as well as from the "Code des Obligations et Contrats" of the French zone.

Code de Commerce.

The "Code de Commerce" comprises 655 articles as against 389 in that of the French zone. Here again the arrangement followed has been that of the Spanish and not the French Moroccan "Code de Commerce." The Tangier code has been swollen by the inclusion of a number of articles which are found in the Spanish, but not in the French, precedent. The Spanish text, for example, contains groups of articles relating to "Commission commerciale," "contrat de compte-courant," and also an institution applicable to debtors who are momentarily unable to meet their engagements, known as "suspension de paiements." Spanish legislation is in some ways more complete and more modern than French, and it was agreed to meet the wishes of the Spanish delegate by adopting for use in Tangier the provisions of Spanish law to which reference has been made.

Code de Procédure civile.

In preparing the "Code de Procédure civile," the commission had the great advantage of M. Gentil's experience of civil procedure in the French zone. On this matter he is certainly a specialist, the whole of his judicial career hitherto having been passed in the French territories of North Africa. He is also the author of many reforms of procedure in the courts of French Morocco, and has published at the request of the French authorities a treatise on civil procedure in Morocco. The "Code de Procédure civile," which has been prepared for Tangier, embodies a number of suggestions made to the commission by M. Gentil, founded on his experience as judge and president of the Tribunal de Casablanca. Special attention has also been paid to the international character of the Tangier Tribunal, and to the composition of the Mixed Court prescribed by the convention.

A reference to p. 5 of the "Table des Matières" of the code will show that a large number of articles (chapitre 16) have been devoted to "la procédure relative à la déconfiture des non-commerçants." "Déconfiture" is in Spanish law (under the name "concurso"), an elaborately organised system of civil, as contrasted with commercial, bankruptcy. The Spanish delegate was anxious that this institution should be adopted at Tangier. In practice it proved to be exceedingly difficult to reproduce in a French text the equivalent of the Spanish procedure, which was found to be very elaborate and somewhat complicated, and this part of the work gave the commission considerable trouble.

The "Code de Procédure civile" is followed by two annexes, the first of which is the "Frais de Justice," based on the tariff in use in the French zone, with an addition of 50 per cent. in nearly every case, the rates in the French zone being considered by the commission to be too low.

The second annex, for which the main responsibility is mine, is that relating to "l'Assistance judiciaire." It is largely founded on the rules in force in the Egyptian Mixed Courts.

Code de l'Immatriculation des Immeubles dans la Zone de Tanger.

The subject is too technical and special to justify any detailed comment here. But generally it may be said that in preparing this "projet," the fullest advantage has been taken of the experience which has been gained in the practical working of the system of "immatriculation" in the French zone, and certain grave defects found to exist in that system will be avoided in Tangier. The essential distinction between the plan which has been adopted for Tangier and that which is in force in the French zone is that in Tangier the conservateur will be compelled to take a decision, after an enquiry the details of which are minutely prescribed, on the right to registration of title. This decision is either the grant or the refusal of a "titre provisoire." In either case the dossier is always sent to the tribunal, and the "titre provisoire" or the refusal to register it only becomes definitive after the expiration of the "délais d'opposition" if no opposition is made, or, if there is opposition, after the judgment of the tribunal.

In the system of the French zone the conservateur, if the parties do not agree and the title proves at all troublesome, sends the parties before the tribunal, where the work has to be begun all over again, involving expense and loss of time. Furthermore, the French Moroccan system does not afford parties interested the same protection against mistakes made by the conservateur as is given in the Tangier code by, in the first place, the obligation which is placed on the conservateur of investigating the title and either registering it as a "titre provisoire" or refusing to do so, and, in the second place, by the necessity for the dossier, whatever be the decision of the conservateur, to be sent to the tribunal, with the fullest opportunities for the parties interested to make opposition before the tribunal in respect of any finding by the conservateur, whose possible mistakes can thus be rectified before the "titre provisoire" becomes definitive.

Code pénal.

This is, in substance, an abridgment of the "Code pénal français," and incorporates (article 24) the principle of the "Loi Béranger" of the 26th March, 1891, by which, in the case of first offenders, the carrying into force of a sentence of imprisonment can be postponed for a period at the expiration of which the convicted person, if he has undergone no further conviction during it, is exempted from the sentence, and the conviction is annulled. The principle of "circonstances atténuantes" is (article 243) worked out on the same lines as in the French "Code pénal."

The aim of the commission in regard to this code has been to prepare just what is essential in the way of criminal law for the zone of Tangier at the commencement of the international régime—nothing less and nothing more. Many provisions of the French penal code, however suitable in a highly organised European country, were discarded as inappropriate to Tangier. A number of provisions in the section of the French code relating to "Crimes et délits contre la chose publique," and others resulting from legislation at a later period, such as the penal laws concerning "la fabrication et le commerce des armes ou les pièces d'armes de guerre," "répression des fraudes dans la vente des marchandises," have been omitted.

Code de Procédure criminelle.

In this code M. Gentil has adapted the French system of "instruction criminelle," "Tribunal correctionnel," "Cour d'Assises," &c., to the conditions prescribed by the convention. Some difficulty was experienced by the commission in giving effect to article 10 of the "Dahir d'Organisation judiciaire," which establishes in certain cases the principle of juries composed of persons of different nationalities. While not wishing in any way to criticise the system adopted in this article, the commission felt that, in actual practice, considerable difficulty may be experienced in carrying this principle into effect, especially in the case of a native accused of a crime, in which event the jury is required to be composed of three natives, one British, one French, and one Spanish subject.

Annexe au Code des Obligations et Contrats sur les Accidents du Travail.

I understand that both the French and Spanish Governments approve the principles of this "projet" and are anxious that it should be adopted. It is founded on the French laws "Sur les Accidents du Travail" of 1898, and on the Spanish law "De los Accidentes de Trabajo," 1900. It will be observed that the "projet" is presented as a supplement to articles 786–800 ("Louage de Services") of the "Code des Obligations et Contrats." I wish, however, to draw attention to my letter of the 22nd May last and the Foreign Office reply of the 30th May, 1924.

Annexe au Projet de Dahir sur l'Organisation de la Juridiction internationale à Tanger.

This "projet" has, I understand, already been approved by the Foreign Office, and I need only refer to article 7, in which a period has to be fixed after the codes have been published, during which the judges, the "secrétaires-greffiers," the Bar and the public generally may have time to acquaint themselves to some extent with the nature of the new legislation.

I have, &c.
R. GEOFFREY FITZGERALD.

[W 9660/17/28] No. 12.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 3539.)

My Lord, *Foreign Office, November 12, 1924.*

I HAVE received from Mr. R. G. Fitzgerald a copy of the legal codes for Tangier drafted at Paris by the International Commission appointed under article 32 of the Tangier Convention.

2. In view of the decision of the three signatory Governments to bring the judicial organisation of Tangier into force on the 1st January, it is manifestly urgent that the legal codes should be printed and published at the earliest possible moment. Before this can be done two steps are necessary. First, the concurrence of the British and Spanish Governments in the draft codes must be intimated to the French Government. Secondly, the Sultan must issue the "Dahir sur l'Organisation de la Juridiction internationale à Tanger," a copy of which was enclosed in Mr. Phipps's despatch No. 1811 of the 19th August last.

3. Since Mr. Fitzgerald has recommended that the draft codes should be accepted in their entirety, I am prepared to give formal approval to them without any further delay, and I trust that the French Government will experience no difficulty in obtaining the early concurrence of the Spanish Government.

4. As regards the dahir, there remains one small point to be settled before it can be promulgated by the Sultan. Article 7 lays down that a given period, which has yet to be fixed, must elapse between the publication of the codes and the entry into force of the judicial régime. This provision was inserted in order to give the judges, the "greffe," and the public time to familiarise themselves with the codes. Mr. Fitzgerald recommends that the period should be fixed at not less than one month. If the French Government are prepared to agree to a period of one month, it is clear that, unless the establishment of the Mixed Tribunal is to be postponed from the 1st January, the dahir must be promulgated and the codes published by the 1st December.

5. I request that your Lordship will inform the French Government that His Majesty's Government approve the draft codes and that you will at the same time call their attention to the above considerations and express the hope that it will be possible to complete the necessary preparations in time to allow the Mixed Tribunal to begin its functions on the 1st January next.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 10290/17/28] No. 13.

Consul-General Clive to Mr. Austen Chamberlain.—(Received November 27.)

(No. 362.)

Sir, *Tangier, November 20, 1924.*

WITH reference to Mr. Codrington's despatch No. 305 of the 29th September, I have the honour to report that although no further official statement has been made on the subject, I gather from reports that have reached me from various sources that Sid Mohammed-bou-Ashreen is now definitely appointed Mendoub under the Tangier Statute.

It is said that the Sultan and his chamberlain have interested themselves in the matter of this appointment and that His Majesty has insisted on Bou Ashreen proceeding to take up this post.

The appointment, as stated in Mr. Robertson's despatch No. 104 of the 3rd May, is generally approved by both foreigners and natives here.

I have, &c.
R. H. CLIVE.

[W 10802/17/28] No. 14.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 3949.)

My Lord, *Foreign Office, December 15, 1924.*

HIS Majesty's Government are somewhat perplexed by the attitude which the French Government would seem to be adopting now in the matter of Tangier. Throughout the spring and summer of this year they repeatedly pressed His Majesty's Government to bring the Tangier Convention into force at an early date, and they were not deterred from this course by the knowledge that none of the Powers who had been invited to accede to the convention had consented, or were likely to consent, to do so by the various dates proposed. It was finally decided to bring the convention into force on the 1st December last, so far as nationals of the three signatory Powers and the native population were concerned. As that date approached and ever since, the French Government appear more and more unwilling to co-operate in taking the measures necessary to make the new régime a reality. Unless His Majesty's Government are under a misapprehension or have been misinformed, the French Government are not prepared to recognise the three consuls-general of the signatory Powers as the Committee of Control to be instituted under the convention. Until this committee has been constituted none of the administrators nor the accountant can be formally appointed. The Legislative Assembly has not been convoked and no steps can therefore be taken to select the other officials of the Tangier Administration. Neither the native members of the Assembly nor the chief of the customs have yet been nominated by the Shereefian Government. The administrative dahirs have not been published. It is almost a year since the convention was signed and His Majesty's Government are beginning to despair of ever seeing the new régime in working order. Now that Belgium has definitely acceded to the convention and that the Netherlands and Portugal have acceded in principle there is surely no reason why action should not be taken at once irrespective of the accession of Italy and the United States.

2. Rumours are current in Tangier that unless and until all the signatories of the Algeciras Act have acceded to the Tangier Convention it will be impossible effectively to institute the new régime. His Majesty's Government consider it very desirable to dispel this rumour at once. They have always held—and they believe that the French Government share their views—that the accession or refusal to accede to the convention of any Power affects the nationals of that Power alone, and that the accession of all the Powers is not necessary before the new régime can be brought into operation as regards the nationals of signatory or acceding States. Clearly the best way of dispelling such rumours will be to recognise the three consuls-general as forming a legally constituted Committee of Control, to convoke the Assembly, even if it consists only of the British, French and Spanish members, and to take at once the various steps mentioned above.

3. I request that your Lordship will take the earliest opportunity of laying these considerations before the competent French authorities and urging them strongly to put an end at once to the intolerable delay by authorising the French

consul-general at Tangier and the French administrator-designate to co-operate with Mr. Clive in taking immediately all the action required to bring the new régime effectively into force.

I am, &c.
AUSTEN CHAMBERLAIN.

(b.) Attitude of Non-Signatory Powers to the Tangier Convention.

[W 5650/17/28] No. 15.

Mr. Codrington to Mr. MacDonald.—(Received July 9.)

(No. 181.)

Sir, *Tangier, July 4, 1924.*

AFTER a dinner last night at the Belgian Legation I had a chance of hearing the Belgian and Italian Ministers unbosom themselves on the subject of the Tangier Convention.

2. The position of M. Borghetti, the new Italian Minister, is easily defined. He simply declines any knowledge of an instrument which was drawn up at a conference to which Italy was refused admission. He pretends never even to have read it. It is possible that it is being studied in Rome, but his instructions are merely that for Italy the convention does not exist. He absolutely declined to be inveigled into any discussion of the provisions of the concession, but mentioned that the idea which had been put about that Italy "might be given a judge" had caused huge merriment. Between peals of laughter—for M. Borghetti is inclined to be hearty and jocund—he gasped: "A judge! They think of giving us a judge, when what we require is a new convention! That's good, that's very good!"

3. At this point I intervened to ask M. Borghetti what sort of a convention his Government would like. I explained that no one thought the existing document ideal, but that it would at least serve to put a stop once and for all to the French policy of gradual petty encroachments which we had all proved incapable of countering effectively in the past. Referring to his assertion that Italy required that the door of the Straits should be kept open, I pointed out that that was also the aim of Great Britain. It was because we had found it in practice well-nigh impossible to prevent the gradual closing of the door by the French that we had done our best to bring about the holding of a conference. To-day the door was by no means shut, though it was much less open than it was seven years ago. We claimed that the convention effectively prevented any further shutting of the door, and for that reason hoped that it might be adopted as soon as possible. To this M. Borghetti replied that it was all very well for His Majesty's Government to say that the Straits of Gibraltar was the front gate of the route to the rest of the British Empire. That was indeed true. But for Italy, a great Mediterranean Power with a growing population of 43,000,000 who had not forgotten the lessons of the Great War, the Straits constituted the front door of the mother country. How was it conceivable that she should agree to any arrangement on such a vital subject to the elaboration of which she had not been a party? To maintain that Italy had resigned any interest in Tangier in return for a free hand in Libya was too absurd. He had himself been principal assistant to the Italian Ambassador who negotiated the arrangement to which France now appealed. During the whole of those negotiations it had always been understood by both parties that Tangier, the seat of the Diplomatic Corps, constituted a zone separate and apart from the rest of Morocco; to such an extent was this so that it was not even thought necessary to make special mention of this point in the treaty.

4. After the good-humoured declamation of M. Borghetti, it was pleasant to listen to the rounded periods and measured phrases of M. Cuvelier, the Belgian Minister, as he proceeded to propound his attitude. To begin with, he supported my contention that failure to secure a settlement could only result in the further consolidation of the French position in Tangier; but he argued that His Majesty's Government had only themselves to blame for the success which had attended the French policy of gradual encroachment. Time and time again he had found himself in a position of unenviable solitude when he had drawn attention to the petty breaches of treaty or custom by the cumulative effect of which the French achieved their end. Particularly was this the case in respect of the Algeciras Act, to the principles underlying which Belgium attached the greatest importance. Now the three Powers, without previously consulting the other signatories of the Algeciras Act, had by a stroke of the pen abolished the

Adjudications Commission, which was the keystone of the structure which constituted the only guarantee of equality of opportunity in regard to public works. Subsequently they presented the convention which destroyed this guarantee to the other signatories, and informed any who dared to question any of its provisions that proposals for their modification of a text so carefully drawn up could not be entertained.

5. Personally he was in favour of a complete revision of the Algeciras Act; it contained many provisions which were obsolete and inapplicable under the conditions of the present day, and these should be definitely abrogated, the whole Act being replaced by an instrument comprising workable guarantees for giving practical effect to the principle of commercial equality.

6. M. Cuvelier then turned to the question of the gendarmerie to be set up under the new convention. He alluded to the Belgian request that more than one Belgian officer should be employed, and asserted that it was entirely untrue to suggest that the attitude of his Government in this matter was dictated by any desire to enhance their political prestige or play a more important rôle in the future of Tangier. The thinly veiled suggestion to this effect conveyed in the reply to their note and the peremptory manner in which their request was turned down had caused his Government some surprise; nor had their feelings been assuaged by the telegrams of Mr. Harris to the "Times." I at once pointed out that no one in England who took any intelligent interest in Moroccan affairs paid the slightest attention to anything which Mr. Harris wrote, and that it was well recognised that his contributions merely afforded a sort of light relief in an otherwise rather serious journal. M. Cuvelier replied that though he himself would be the last to take seriously Mr. Harris's effusions, it was naturally otherwise with those who were unaware of the character and position of that distinguished correspondent. The question raised by his Government had no political significance whatever and merely concerned a point of practical expediency which had been raised by the Belgian War Office when consulted about the appointment of a Belgian captain to command the gendarmerie. The Belgian Government fully realised that the only object in selecting a Belgian officer to command the police was to avoid the nomination of a Frenchman or a Spaniard for this post; but whenever this Belgian officer went on leave or fell sick the very situation which the three Powers had tried to avoid would at once arise. Both France and Spain would have been at pains to select subalterns of such seniority that either of them could hope to replace the Belgian captain during temporary absences; further, the officer commanding would be responsible to the municipality for stores, forage and equipment of very considerable value, and it was undesirable that during his absence this should be in charge of an officer not chosen by himself, of a different nationality, and who might or might not be honestly desirous of making a success of the management. The request of the Belgian Government had been put forward at the suggestion of their military advisers and was animated solely by a desire to ensure efficient working in practice. It seemed rather hard, therefore, to be told that the arrangements for the gendarmerie embodied in the convention and the "règlement" annexed to it had been drawn up by the "military experts" of the three Powers, and could not be discussed, still less modified, at the request of the Government who had been invited to ensure their practical application. It was all very well to maintain that the text of the convention was sacred and untouchable, but surely the necessity for some additional instrument was already evident in order to give force to the arrangement made with Spain to secure her ratification and to provide a solution to the very real difficulty with regard to the status of ex-protégés in the other zones, which had been propounded by the Dutch Government.

7. As regards the application of the convention, M. Cuvelier supported my plea that all should co-operate to put it in force as soon as possible, not only for the sake of local interests in Tangier, but because of the dismal prospect of further French encroachment, which was the inevitable alternative to the adoption of the solution proposed by the three Powers.

8. To his suggestion that the subjects of non-adhering Powers would suffer certain disadvantages and disabilities when the convention was put into force, M. Borghetti at once retorted that boundless possibilities for making trouble for the new Government would offer themselves to the representatives and subjects of any Power on whom it was thought that compliance could be forced by any such means.

9. At this point the party broke up, and I was unable to pursue the matter any further. I gather, however, from remarks made to other people, either by M. Borghetti or members of his staff, that, besides insisting strictly on the immunity of Italians from arrest by the police authorities of the new municipality, the Italian Legation would not

countenance the payment by their "ressortissants" of any taxes or consumption duties to the new municipality if it were set up without the agreement of the Italian Government. In the practical application of this policy they would naturally enjoy the active support of the Italian colony.

I have, &c.
WILLIAM CODRINGTON.

[W 6194/17/28] No. 16.

Sir E. Howard to Mr. MacDonald.—(*Received July* 28.)

(No. 1168.)

Sir, *Manchester, Mass., July* 18, 1924.

WITH reference to my telegram No. 244 of the 15th instant, I have the honour to enclose herewith the reply of the United States Government to the note which, in accordance with your instructions, I addressed to them on the 29th May last, respecting their adherence to the Tangier Convention, signed at Paris on the 18th December, 1923.

Mr. Hughes informs me that a similar note has been addressed by him to the French and Spanish Ambassadors at Washington.

You will notice that the United States Government state that, owing to the limited representation assigned to the United States Government in the administration of the Tangier zone under the convention, the United States does not "care to assume the responsibility which it feels would of necessity devolve upon it from participation in the administration of the zone, while having no appreciable part in formulating the policies or conducting the affairs of the zone."

I do not feel sure what is meant by this unless it is that the United States will instruct their consul not to take part in the proceedings of the Committee of Control. This would be most unfortunate, for it would upset the international balance in that body which the convention intended to establish, and only strengthen still further the influence of France in the zone. If, on the other hand, it merely means that the United States Government will not appoint any American citizens to act in any administrative capacity in the zone, the situation created would not be so serious.

I should be glad to know if you wish me to enquire of the Secretary of State as to what is exactly meant by the sentence of his note above referred to.

After stating his reasons on pp. 3, 4 and 5 of the note for considering the position of the zone as created by the convention as an "anomalous" one, Mr. Hughes goes on to say that his Government "being desirous, however, of placing no obstacle in the way of an honest effort to improve conditions in Tangier would, after having had an opportunity to examine the regulations and codes referred to in articles 32 and 48 respectively of the convention, consider the possibility of suspending the territorial rights in the zone to the extent that such rights appear to be safeguarded by the new régime on the following conditions:—

1. "That the meaning of the provisions concerning the observance of economic equality shall be explained with greater particularity." The note goes on to define what the United States Government understands by the "open door," and continues to state that no monopoly, exclusive privilege or preferential advantage be granted inconsistent with the principle of economic equality.
2. "That the signatories to the convention shall acknowledge and assume full responsibility for any acts or omissions of the administrative authorities of the zone which would ordinarily give rise to a right of international reclamation.
3. "That the United States Government shall be free to designate the associate judge or judges to sit in any case in which an American citizen is a party, from among the personnel of the American consulate in Tangier."
4. Refers to semsars.
5. Condition lays down that no future international agreements concluded between the Sultan and other Powers should be considered as abridging the rights of American citizens in Tangier without the consent of the United States Government.

I imagine that His Majesty's Government will have little difficulty in accepting condition 1, which, indeed, will be of use in supporting the policy of the "open door" in Tangier, of which His Majesty's Government have been always the

strongest supporter. How far the French Government will commit themselves in this direction remains to be seen. As regards condition 2—there would seem to be certain difficulties. It is very unlikely that His Majesty's Government or the Spanish Government would care to make themselves liable pecuniarily or otherwise for the faults of omission or commission of the Tangier authorities. The share of Great Britain and Spain in the administration of the zone is so small in comparison with that of France that it is scarcely conceivable that they would wish to assume a like share of responsibility for the action of the Tangier administration. On the other hand, someone must be ultimately responsible, and if this condition leads to an understanding that the Shereefian Government—*i.e.*, France, which has insisted on retaining the sovereignty of Tangier is to be responsible, it is well that the United States Government should have raised this point, which, unless I am mistaken, was not dealt with in the Tangier Convention. It is also not amiss that the point should have been raised now, before any case involving serious claim arose which might have involved all the signatories in serious difficulties and even have shaken the Tangier settlement. If this question can be arranged by common agreement now, it will make for greater security for the future of the Tangier zone—" Patti chiari, amicizie lunghe."

The other conditions do not seem to call for any special comment from me.

I have, &c.
ESME HOWARD.

Enclosure in No. 16.

Mr. Hughes to Mr. Brooks.

Department of State,
Washington, July 11, 1924.

Sir,

I HAVE the honour to acknowledge the receipt of the Ambassador's note of the 29th May, 1924, informing me of the ratification by the Governments of Great Britain, France and Spain, of the convention signed by those Governments on the 18th December, 1923, regarding the statute of Tangier, and the deposit of such ratifications on the 14th May, 1924, at the Ministry for Foreign Affairs in Paris. The Ambassador states that he has been instructed by his Government to ask, in concert with his French and Spanish colleagues, the accession of the Government of the United States to this convention.

I beg to inform you that this Government has given careful consideration to the request and to the convention and related documents with reference to the proposed administration of the Tangier zone.

It is observed that the representation which the three signatory Powers have assigned to this Government in the conduct of affairs in Tangier is of a far more limited character than that now enjoyed and quite disproportionate to that which the three Powers have allocated to themselves. This Government would not, therefore, care to assume the responsibility which it feels would, of necessity, devolve upon it from participation in the administration of the zone, while having no appreciable part in formulating the policies or conducting the affairs of the zone.

This Government has no political interest in Tangier and no desire or purpose to obtain any special rights or privileges which would abridge the rights of nationals of other States. Its interests, as was indicated in the reservation made at the time it signed the Act of Algeciras in 1906, and in the resolution by which the Senate gave its advice and consent to ratification thereof, lie in securing for all peoples the fullest measure of equality of opportunity for commerce and industry in Morocco and in the protection of the life, liberty and property of citizens of the United States going into or having interests in that country.

Having thus stated the reasons why this Government does not find it practicable to participate in the proposed administrative machinery of the Tangier zone and the interests which it is this Government's purpose to protect, I shall indicate with more particularity this Government's position with respect to the establishment of a régime of the character contemplated.

It is evident from the text of the convention that, notwithstanding the proposed participation of other Powers in governmental activities of the zone, the principal control will be vested in the three signatory Powers, Great Britain, France and Spain. In many respects the political status of the zone will be anomalous. It appears, for example, that responsibility for the maintenance of public order and

the general administration of the zone is, under delegation of authority by His Shereefian Majesty, to devolve upon the authorities specified in the convention. Sovereignty over the zone, however, is to remain in His Shereefian Majesty, and diplomatic matters are specifically reserved to the Moroccan Government, acting through the intermediary of France under article 5 of the Protectorate Treaty of 1912. The zone is not, therefore, to be an independent political entity, with an existence separate and apart from the parent State, but will, on the contrary, be in the nature of a municipality, granted limited legislative, executive and judicial powers, under a charter from the Sovereign. So long as the convention shall remain in force (it specifies a period of twelve years), parties thereto apparently can look only to the administration of the zone for the observance of treaty rights, and the satisfaction of any claims, grievances, or wrongs of an international character. The administration being international in character would not, therefore, be accountable to any one Power, nor would any one Power be responsible for the acts of the administration. It is therefore conceivable that, with no central authority responsible for acts of the zone administration, difficulty may be experienced by aggrieved parties in obtaining proper recognition of rights, the violation of which, under ordinary conditions, might afford just grounds for international reclamation.

This Government being desirous, however, of placing no obstacle in the way of an honest effort to improve conditions in Tangier, would, after having had an opportunity to examine the regulations and codes referred to in articles 32 and 48 respectively of the convention, consider the possibility of suspending its extra-territorial rights in the zone to the extent that such rights appear to be safeguarded by the new régime on the following conditions:—

1. That the meaning of the provisions concerning the observance of economic equality shall be explained with greater particularity, for the purpose of maintaining with no uncertainty the principle of the open door. This Government understands that the terms "economic equality among nations" and "régime of economic equality" used in articles 7 and 30, respectively, of the convention, require, among other things, (*a*) that in all matters pertaining to customs or tonnage duties, warehousing, port dues, or other charges, or taxes of whatever character appertaining to industry, trade or commerce, there shall be no discrimination in law or in fact placing or tending to place the nationals, products or ships of one country at any disadvantage as compared with those of another country; (*b*) that in the right to acquire and hold property, in the pursuit of occupations, industry or professions, and in all that pertains to facilities of any kind, there shall be no discrimination; (*c*) that in the granting of concessions of all kinds, as well as in the granting of contracts for public works, and in the purchase of supplies, there shall be suitable opportunity for competition and open bidding free from any condition or provision calculated to give competitors of one nationality any advantage over those of another; and (*d*) that no monopoly or exclusive privilege shall be created or granted which would result in monopolisation of the markets, resources, or facilities of the Tangier zone for the benefit of any special interests, directly or indirectly, or in any exclusion or preferential advantage inconsistent with the principle of complete equality of opportunity.

2. That the signatories to the convention under consideration shall acknowledge to this Government, and assume, full responsibility for any acts or omissions of the administrative authorities of the zone which would ordinarily give rise to a right of international reclamation.

3. That in connection with the administration of justice, it shall be understood that this Government shall be free to designate the associate judge or judges to sit in any case in which an American citizen is a party, from among the personnel of the American consulate in Tangier.

4. That this Government receive confirmation of its understanding that the provisions of article 13 of the convention with respect to semsars are intended in no way to affect the existing rights with respect to semsars in other parts of Morocco.

5. That it be clearly understood with respect to the extension to the Tangier zone of future international agreements concluded by His Shereefian Majesty with other Powers, that no such agreement shall be considered as abridging the rights of American citizens in Tangier without the consent of this Government.

Communications similar to this have been sent in response to the notes from the French and Spanish Ambassadors.

Accept, &c.
CHARLES E. HUGHES.

[W 6194/17/28] No. 17.

Mr. MacDonald to Mr. Gurney (Madrid).

(No. 403.)

Sir, *Foreign Office, July* 31, 1924.

I TRANSMIT herewith copies of a despatch from His Majesty's Ambassador at Washington covering the reply of the United States Government to the invitation addressed to them by the representatives of the three signatory Powers to accede to the Tangier Convention,* and of a memorandum expressing the views of His Majesty's Government on the American note.†

2. I request that you will communicate this memorandum to the Spanish Government and invite their early observations thereon.

I am, &c.

J. RAMSAY MACDONALD.

[W 6194/17/28] No. 18.

Mr. MacDonald to Mr. Phipps (Paris).

(No. 2449.)

Sir, *Foreign Office, July* 31, 1924.

I TRANSMIT herewith copies of a despatch from His Majesty's Ambassador at Washington covering the reply of the United States Government to the invitation addressed to them by the representatives of the three signatory Powers to accede to the Tangier Convention,* and of a memorandum expressing the views of His Majesty's Government on the American note.

2. I request that you will communicate this memorandum to the French Government and invite their early observations thereon.

I am, &c.

J. RAMSAY MACDONALD.

Enclosure in No. 18.

Memorandum.

HIS Majesty's Government have had under consideration the note on the subject of the Tangier Convention which the United States Government addressed on the 11th instant to the Ambassadors of Great Britain, France and Spain. It is satisfactory to find that on the whole the United States Government are not unfavourably disposed towards the convention and His Majesty's Government hope that with further explanations and assurances they may be persuaded to accede thereto at an early date.

2. The United States Government begin by observing that the representation assigned to them in the conduct of affairs at Tangier is quite disproportionate to that which the three signatory Powers have allocated to themselves. They are unwilling, therefore, to assume the responsibility of participating in the administration of the zone while having no appreciable part in formulating its policy or conducting its affairs. Presumably this is tantamount to a refusal to allow the United States consul at Tangier to form part of the Committee of Control.

3. It would appear from the above that the United States Government have misread or misunderstood the terms of the convention. The three signatory Powers are not empowered by the convention to conduct the affairs of the zone or to formulate its policy. Their powers of intervention are limited to the functions assigned by articles 30 and 31 to their representatives on the Committee of Control, namely, to ensure the observance of the régime of economic equality and the provisions of the Statute of Tangier. The United States Government, whose representative at Tangier would under the terms of the convention be a member of the committee, are thus in exactly the same position as the three signatory Powers. It may be observed, incidentally, that as the chief preoccupation of the United States Government is to ensure the maintenance of economic equality, and as this duty is specifically assigned to the Committee of Control, their refusal to allow their representative to form part of

* No. 16. † No. 18.

that body appears unintelligible and likely to thwart rather than promote the object they have in view.

4. The American note continues by pointing out that since the Tangier administration is international in character, no one Power will be responsible for the acts of that administration. It is, therefore, conceivable that difficulty may be experienced by aggrieved parties in obtaining proper recognition of rights, the violation of which under ordinary conditions might afford just grounds for international reclamation.

5. The answer to this would seem to be that if the Committee of Control fulfils its functions properly such cases will not arise, and that the participation of the American consul in the work of the committee ought to provide sufficient guarantee in this respect for the United States Government. In any case, however, as the Sultan remains Sovereign of Tangier and the zone remains part of the Moorish Empire, diplomatic representations can always be addressed to the Shereefian Government through the protecting Power, *i.e.*, France.

6. In this connection the United States Government, in formulating specific demands at the end of their note, ask (No. 2) that the three signatory Powers shall acknowledge to the United States Government and assume full responsibility for any acts or omissions of the administrative authorities of the zone which would ordinarily give rise to a right of international reclamation. His Majesty's Government consider that this demand cannot be accepted, since, as pointed out above, the three Governments will not in any way conduct or administer the affairs of the zone while their representatives will, of course, form a minority on the Committee of Control. It seems obviously impossible for the three Powers to assume responsibility in a case where they have no authority.

7. No. 1 of the American demands is to the effect that the meaning of the terms "economic equality among nations" and "régime of economic equality" in articles 7 and 30 of the convention shall be defined with greater particularity. His Majesty's Government see no objection to giving the specific assurances asked for by the United States Government, to whom it might be explained that definitions of the kind in question were intentionally omitted from the convention in order to admit of the widest possible interpretation of the above-mentioned terms. It was thought that definitions might restrict rather than clarify the meaning of the terms, which in themselves amply ensure the maintenance of the open door.

8. Nos. 4 and 5 seem to present no difficulty and can readily be answered in the affirmative. Unfortunately this is not the case with No. 3, in which the United States Government demand that they shall be free to designate from among the personnel of the American consulate in Tangier the associate judge or judges to sit in any case in which an American citizen is a party. His Majesty's Government will await with interest the views of the French Government on the best manner of meeting this demand. Since there are no private American citizens in Tangier, the provisions of article 1, section 2, paragraph 3, of the judicial dahir do not afford a solution, especially as they stipulate that the associate judges may not exercise a "fonction publique." On the other hand, article 6, paragraph 4, would allow American citizens involved in an action before the Mixed Tribunal to designate the nationality of the associate judge or judges by whom they desire to be tried. It might, in the first instance at any rate, be worth while to point this out to the American Government and to urge that the liberty of choice provides in reality as good a guarantee of justice as the appointment of a member of the American consulate.

9. His Majesty's Government are anxious to reply to the American note without delay and they hope that it will be possible at an early date for the two Ambassadors at Washington to receive identic instructions.

[W 6595/17/28] No. 19.

Mr. MacDonald to Mr. Kennard (Rome).

(No. 1138.)

Sir, *Foreign Office, August* 12, 1924.

THE Italian Ambassador called to see me on the 8th August to communicate on the instructions of Signor Mussolini the annexed memorandum on the subject of Tangier. He asked that a reply might be returned as soon as possible, and I undertook to have Signor Mussolini's proposals examined without delay.

2. He said that my policy aimed at eliminating all causes of friction or disagreement between the Allies.

3. Signor Mussolini also pursued a policy of pacification, and—with regard to the question of Tangier—was therefore disposed to subordinate some special Italian interests to the cause of Mediterranean peace.

4. To this end, while being firm on maintaining Italy's rights to intervene in the settlement of the Tangier question, Signor Mussolini had no intention of creating a difficult political situation between Italy and the Governments who have stipulated the recent convention for Tangier, either by renewing a discussion of a preliminary character concerning the above-mentioned rights of Italy, or by raising any objections on principle to what already had been agreed to by the three contracting Powers.

5. Signor Mussolini wished only to ask for those indispensable modifications which would serve to demonstrate to Italian public opinion that Italian interests had been safeguarded.

6. Before taking any steps in Paris, Signor Mussolini wished to appeal to my spirit of fairness in order to ascertain whether I was disposed to give my efficacious support to Italy, so as to obtain those modifications to the Convention of Tangier which would allow Italy to become a party to the same, thus avoiding a regrettable diplomatic controversy.

7. The Italian Government therefore hoped that I would examine the Italian requests, bearing specially in mind—

(1.) That—independently of all considerations bearing on the juridical and diplomatic state of the question and on the interpretation of the preceding Italo-French agreements—Italy, in her quality of a great Mediterranean Power, cannot remain indifferent to the settlement of such an essential Mediterranean question as that of Tangier;

(2.) That Italy cannot be treated on a same footing with all the other parties to the Act of Algeciras, as the greater part of these States have no Mediterranean position;

(3.) That Italy also feels that she should expect from her Allies a special consideration for the attainment of the common victory, in consequence of which the exclusion of all ex-enemy States' interests from Morocco was determined; and that she therefore considers herself entitled not to be the only Allied Power to be deprived of the advantages deriving from such exclusion of the ex-enemy States from Morocco;

(4.) That the new Statute of Tangier, even if representing an attempt to stabilise the economic situation of that Mediterranean outlet, does not really improve the position at the present time held by Italy in the administration of the town of Tangier. On the other hand, the abolition of the Capitulations would constitute a grave renunciation on the part of Italy;

(5.) The Italian Government therefore trusted that, owing to my policy of pacification and of my being in a position to take a more impartial view of the general political repercussions of the situation, I would see my way to support in Paris a friendly solution through the stipulation between Italy and the three contracting Powers of an additional convention containing the provisions enumerated in the annexed memorandum.

I am, &c.

J. RAMSAY MACDONALD.

Enclosure in No. 19.

Memorandum communicated by the Italian Ambassador, August 8, 1924.

(Strictly Confidential.)

TO place Italy in a position to adhere to the recent convention for Tangier and to renounce to the Capitulations (article 13 of the Statute of Tangier) the Italian Government ask that an additional convention be stipulated at the same time between the three Governments contracting the aforesaid convention and the Italian Government itself.

This additional convention should contain the following provisions:—

1. That an Italian officer should also be appointed for the inspection mentioned in article 3 of the statute;
2. That an Italian representative should be included in the commission which is to fix the customs duties (article 50) so as effectively to protect Italian exports;

3. That also some Italian magistrates should be called to take part in the Courts of Justice (article 48 of the statute and articles 1 and 13 of the dahir, regarding international jurisdiction) and also that Italian citizens be nominated chancellors ("secrétaires greffiers"), especially in consideration of the important attributions conferred upon them by article 14 of the dahir, namely, "syndic de faillite, liquidateur judiciaire et curateurs à succession vacante";
4. That the Italian Government will undertake not to raise any objection or make any observations concerning the organisation and administration of the port, on condition that a considerable part of the work to be carried out in the said port be entrusted to Italy;
5. That an Italian subject take part in the elaboration of the codes;
6. That, in consideration of the fact that the Italian population is numerically superior to the British and that the Italian local population tends to increase further, also an Italian be one of the Vice-Presidents of the Legislative Assembly; and that there be three instead of two Italian members of the said Assembly (thus placing them on a level with the British, according to article 34 of the convention), and that in view of the same consideration an additional administrator, entrusted, for instance, with the administration of justice, be an Italian (article 35);
7. It should further be added that the Italian Government, in view of the fact that the sovereignty of the Sultan has been recognised, or rather reaffirmed by the recent convention, would desire the maintenance of the diplomatic agencies at Tangier (article 49); and
8. That an Italian ship be associated with those of the contracting Powers in watching for contraband (article 4).

London, August 6, 1924.

[W 6595/17/28] No. 20.

Mr. MacDonald to Mr. Phipps (Paris, No. 2576, and to Sir H. Rumbold (Madrid), No. 426, mutatis mutandis.

Sir, *Foreign Office, August 13, 1924.*

I TRANSMIT herewith copies of a despatch to His Majesty's Ambassador at Rome covering a memorandum communicated to me by the Italian Ambassador in London, in which the Italian Government specify the conditions on which they are ready to accede to the Tangier Convention.* I also enclose a memorandum containing the views of His Majesty's Government on the Italian demands.

2. I request that you will communicate the two memoranda to the French Government and invite their views thereon at an early date.

3. A similar despatch is being addressed to His Majesty's Ambassador at Madrid.

I am, &c.

J. RAMSAY MACDONALD.

Enclosure in No. 20.

Memorandum.

THE Italian Government have communicated to His Majesty's Government a memorandum, a copy of which is annexed,† expressing their readiness to adhere to the Tangier Convention and to renounce their capitulatory rights at Tangier on condition that a new convention be concluded between themselves and the three signatory Powers to the Tangier Convention. The Italian memorandum proceeds to enumerate the provisions which should be contained in the new convention. In substance they amount to a demand that Italy should be placed on the same footing in Tangier as Great Britain, France and Spain.

* No. 19. † Enclosure in No. 19.

2. His Majesty's Government consider that this demand is totally unjustified and should be resisted. The rights of France and Spain to a special position at Tangier are obvious and indisputable. The rights of Great Britain are not so obvious, but they are equally indisputable. It was to His Majesty's Government, and to them alone, that the French Government gave undertakings in 1911 and 1912 that an international administration should be established at Tangier. Not only did the Italian Government refrain from asking or obtaining any such undertakings at the time when they recognised the French protectorate over Morocco, but in 1912 they actually signed a declaration pledging themselves to place no obstacle in the way of the realisation of any and every measure which the French Government might think fit to take in Morocco. When in 1912–13–14 British, French and Spanish delegates met in Madrid to negotiate a Tangier convention, the Italian Government never claimed the right to participate in the negotiations nor expressed any desire to do so. It was not until after the war that the Italian Government adopted their present standpoint in regard to Tangier.

3. According to the latest estimates in possession of His Majesty's Government, the Italians at Tangier are greatly inferior to the nationals of the three signatory Powers as regards commerce, population, wealth and standing. This fact alone deprives of any shadow of justification the present Italian claim to be placed on the same footing as Great Britain, France, and Spain.

4. If the Italian Government alone were concerned, it might perhaps be possible to meet their demands to some small degree. It is obvious, however, that this would call forth similar demands from other Powers, and it would be impossible to refuse to the United States and Belgian Governments, for instance, concessions made to Italy. The whole carefully constructed balance of the convention would then fall to the ground.

5. Taking each of the Italian demands in order, the following observations occur to His Majesty's Government:—

(1.) There seems no reason why an Italian officer more than an officer of any other nationality should be appointed under article 3 of the convention.

(2.) The demand that an Italian representative should be included in the commission to fix customs values must be based on a misapprehension. The commission will consist of representatives of the three zones in Morocco, not of the three contracting Powers. It is difficult to see why a representative of the Italian Government should be included in the commission more than a representative of His Majesty's Government.

(3.) The appointment of Italian judges and "greffiers" to the Mixed Tribunal will, as explained above, no doubt entail the appointment of American and Belgian, &c., judges and "greffiers." The tribunal will be swollen to dimensions out of all proportion to the needs of Tangier, and will, moreover, prove a crushing burden on the Tangier budget.

(4.) None of the three contracting Powers have demanded or arranged that any part of the port works should be entrusted to their nationals. The contract is to be put up to open tender. It is altogether out of the question to concede this demand.

(5.) The codes are nearly finished. Nothing would be gained and much time would be lost by beginning this work all over again.

(6.) As stated above, His Majesty's Government believe that the Italian population at Tangier is not numerically superior but inferior to the British population, and if this be the case, there is no foundation for the demand for increased Italian representation in the Legislative Assembly, &c. It will be remembered that the composition of the Assembly proved one of the most delicate points which faced the negotiators of the convention, and it is exceedingly undesirable to upset the balance of interests which was fixed with so much difficulty.

6. His Majesty's Government believe that the French Government attach much importance to the abolition of the diplomatic missions at Tangier and their replacement by consulates. Presumably, therefore, the French Government will be altogether unwilling to entertain the first of the two proposals contained in the last paragraph of the Italian memorandum. The second proposal, viz., that an Italian ship should be associated with the ships of the three contracting Powers in the surveillance of contraband traffic in arms and munitions of war, would seem to present little objection, but it would probably give more offence to the Italian Government to concede this one small demand and reject the others than to reject the demands *in toto*.

7. *Throughout the negotiations leading up to the conclusion of the Tangier Convention, the French delegate maintained that, in the light of the above-mentioned Franco-Italian declaration of 1912, the Italian Government would be unable to refuse to accede to the convention. It would be of interest to His Majesty's Government to learn whether, in the event of the Italian Government maintaining their refusal to accede to the convention except on the terms set forth in their present memorandum, the French Government contemplate demanding that the interpretation of the declaration be submitted to arbitration. If the Italian Government refused arbitration, it would be possible for the French Government to bring the whole matter before the League of Nations.*

8. His Majesty's Government hope to learn the views of the French/Spanish Government on the Italian demands at an early date. They are making a similar communication to the Spanish/French Government.

Foreign Office, August 13, 1924.

[W 7126/17/28] No. 21.

Mr. Phipps to Mr. MacDonald.—(Received August 27.)

(No. 1863.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from M. Herriot respecting the conditions imposed by the Italian Government in regard to their adhesion to the Tangier Statute.

Paris, August 26, 1924.

Enclosure 1 in No. 21.

M. Herriot to Mr. Phipps.

Paris, le 25 août 1924.

M. le Chargé d'Affaires,

PAR votre lettre du 15 août, vous avez bien voulu me communiquer le mémorandum récemment adressé au Foreign Office par l'Ambassadeur d'Italie à Londres au sujet des conditions que mettrait le Gouvernement italien à adhérer au Statut de Tanger. Vous avez bien voulu également me faire parvenir les vues du Gouvernement de Sa Majesté britannique à ce sujet.

J'ai l'honneur de vous faire savoir que le Gouvernement de la République n'a encore été saisi d'aucune communication dans ce sens par le Gouvernement italien.

J'approuve de tout point le sens de la réponse que le Foreign Office se propose d'adresser à l'Ambassade d'Italie à Londres et j'estime avec lui qu'il vaut mieux ne pas entrer dans le détail des demandes du Gouvernement italien.

Ainsi que le délégué français à la Conférence de Paris l'avait exposé à ses collègues, nous estimons qu'en ce qui concerne l'Italie, la question de Tanger est réglée par l'accord du 28 octobre 1912 relatif à la Libye et au Maroc, dont vous trouverez ci-inclus le texte.

Par cet accord, antérieur à la Convention franco-espagnole du 27 novembre 1912, qui a déterminé les conditions dans lesquelles le Gouvernement espagnol exercerait son autorité dans la zone d'influence qui lui a été reconnue, le Gouvernement italien s'engage à "n'apporter . . . . aucun obstacle à la réalisation de toutes les mesures" que le Gouvernement de la République jugera opportun d'édicter *au Maroc* et, en vertu de ce texte, le Gouvernement italien s'est, à notre avis, désintéressé du Maroc tout entier. Dans ces conditions, je n'aurais pas d'objection, si le Gouvernement italien refuse de se rendre aux raisons qui lui seront exposées, à ce que le Foreign Office proposât à l'Ambassade d'Italie à Londres de soumettre à un arbitrage la question de la déclaration du 28 octobre 1912. En cas de refus, la question pourrait être soumise à la Société des Nations.

Veuillez agréer, &c.

HERRIOT.

---

* to * to Paris only.

Enclosure 2 in No. 21.

Accord relatif à la Libye et au Maroc, signé à Paris, le 28 Octobre 1912.

LE Gouvernement de la République française et le Gouvernement royal d'Italie, désireux d'exécuter dans l'esprit le plus amical leurs accords de 1902, confirment leur mutuelle intention de n'apporter réciproquement aucun obstacle à la réalisation de toutes les mesures qu'ils jugeront opportun d'édicter, la France au Maroc et l'Italie en Libye.

Ils conviennent de même que le traitement de la nation la plus favorisée sera réciproquement assuré à la France en Libye et à l'Italie au Maroc : ledit traitement devant s'appliquer de la manière la plus large aux nationaux, aux produits, aux établissements et aux entreprises de l'un et l'autre État sans exception.

POINCARÉ.
TITTONI.

Paris, le 28 octobre 1912.

[W 7655/17/28] No. 22.

M. de Montille to Mr. MacDonald.—(Received September 11.)

A LA suite de la communication adressée au mois de mai dernier par les Puissances signataires de la Convention de Tanger au Gouvernement belge, celui-ci a chargé son Ambassadeur à Paris de faire une nouvelle démarche auprès du Gouvernement français.

Le Baron de Gaiffier d'Hestroy a fait savoir à M. Herriot qu'il n'insistait plus sur l'admission d'un juge dans le Tribunal mixte ni l'adjonction d'un lieutenant belge au corps de gendarmerie. Il a ajouté que son Gouvernement serait disposé à adhérer à bref délai à la convention du 18 décembre 1923 moyennant l'attribution à un Belge de l'emploi de sous-officier dans la troupe et du poste de sous-officier comptable de la gendarmerie de la zone. En même temps, l'Ambassadeur de Belgique exprimait l'espoir que la France userait de son influence pour que les fonctionnaires belges soient admis tant au service des travaux publics qu'à celui des douanes.

Le Gouvernement français ne voit pas d'inconvénients à l'attribution de ces deux emplois de sous-officiers à des Belges. Par contre, il fait les plus expresses réserves en ce qui concerne le service des douanes : celui-ci ne faisant pas partie de l'administration internationale, mais bien du contrôle de la dette marocaine, et se trouvant rattaché administrativement au protectorat en vertu des deux premiers alinéas de l'article 39 de la convention.

Le Chargé d'Affaires de France serait reconnaissant à son Excellence le principal Secrétaire d'État pour les Affaires étrangères de bien vouloir lui faire savoir s'il partage les vues exposées ci-dessus sur l'accueil à réserver aux demandes du Gouvernement belge.

M. de Montille saisit, &c.

Ambassade de France, Londres,
le 10 septembre 1924.

[W 7656/17/28] No. 23.

Note verbale communicated by M. de Montille.

LE Gouvernement américain a fait parvenir au Chargé d'Affaires de France aux États-Unis une note indiquant les conditions auxquelles il serait disposé à subordonner son adhésion à la convention du 18 décembre 1923 relative au Statut de Tanger.

Pareil document a sans doute été adressé à l'Ambassade de Sa Majesté à Washington. Le Gouvernement français serait d'avis de répondre de la manière suivante aux diverses questions posées dans la note américaine :

1.—(*a.*) Dans toutes les questions se rapportant aux taxes de douane ou de tonnage, aux droits d'entrepôt, de port ou d'autres taxes de quelque caractère qu'elles soient touchant à l'industrie ou au commerce, il n'y a aucune discrimination

en droit ou en fait, plaçant ou tendant à placer les ressortissants, produits ou navires d'un pays dans une position désavantageuse par rapport aux ressortissants, produits ou bateaux d'un autre pays.

(*b.*) En ce qui concerne le droit d'acquérir et de détenir la propriété, la recherche des emplois, l'exercice des professions, l'activité industrielle et en ce qui touche aux facilités de toutes sortes, il n'y aurait également aucune discrimination.

(*c.*) Dans l'octroi des concessions de toutes sortes aussi bien dans la passation de contrats pour travaux publics et dans l'achat d'approvisionnements, il sera possible à tous de concourir à égalité et de soumettre des offres, sans qu'interviennent des conditions ou dispositions calculées pour donner aux concurrents d'une nationalité quelque avantage sur ceux d'une autre.

(*d.*) Aucun monopole ou privilège exclusif ne devrait être créé ou accordé qui amènerait une monopolisation des marchés, ressources ou facilités de la zone de Tanger, au bénéfice de certains intérêts spéciaux, directement ou indirectement, ou qui conduirait soit à une exclusion, soit à un traitement préférentiel incompatible avec le principe de l'égalité complète des chances.

Afin qu'il n'y ait pas de confusion possible, il conviendrait de rappeler la réserve formelle contenue dans l'article 9 de la convention au sujet des ressortissants allemands, autrichiens et hongrois, ainsi que dans le dernier alinéa de l'article 8.

2. Le Gouvernement américain demande que les signataires de la convention s'engagent à assumer l'entière responsabilité de tous actes ou omissions des autorités administratives de la zone qui, normalement, auraient donné naissance à un droit de réclamation internationale.

Il conviendrait de rappeler au Gouvernement américain qu'aux termes de l'article 5 de la convention relative au statut, la délégation donnée par le Sultan à la zone de Tanger est permanente et générale, " sauf en matière diplomatique où il n'est pas dérogé aux dispositions de l'article 5 du Traité de Protectorat du 30 mars 1912."

Or, cet article 5 du Traité de Protectorat stipule que " le Commissaire Résident général est le seul intermédiaire du Sultan auprès des représentants étrangers et dans les rapports que ces représentants entretiennent avec le Gouvernement chérifien. Il est, notamment, chargé de toutes les questions intéressant les étrangers au Maroc."

Les signataires de la Convention de Tanger ont donc confirmé, en matière diplomatique et pour cette zone, les droits formels de la France, Puissance protectrice du Maroc, et, par voie de conséquence, la responsabilité de cette dernière en la même matière.

C'est en vertu de ces textes que, pour prendre un cas concret, si un consul américain venait à être molesté ou assassiné à Tanger, c'est au Gouvernement français que les États-Unis devraient adresser leur réclamation.

La réserve précitée de l'article 5 de la convention relative au statut est reproduite dans l'article 1er, deuxième alinéa, du projet de dahir organisant l'administration de la zone, qui confirme que la délégation générale et permanente donnée par le Sultan à la zone " ne s'applique pas en matière diplomatique où il n'est pas dérogé aux dispositions de l'article 5 du traité du 30 mars 1912."

Ce ne serait donc pas aux signataires de la convention, mais plutôt à la France qu'il appartiendrait de donner la garantie demandée par les États-Unis.

3. En ce qui concerne l'administration de la justice, le Gouvernement américain désirerait être libre de choisir le ou les juges adjoints devant siéger dans toute affaire intéressant un citoyen américain, dans le personnel du consulat américain de Tanger.

Ce désir est en contradiction avec l'article 1er du dahir sur l'organisation d'une juridiction internationale à Tanger, qui stipule que " les membres adjoints non rétribués restent libres d'exercer un métier . . . . *mais non une fonction publique.*"

Il ne paraît pas possible d'accéder à cette demande du Gouvernement américain. Toutefois, si celui-ci entendait par " personnel du consulat," le personnel auxiliaire, à l'exclusion des agents de carrière, le texte pourrait être interprété de manière à donner satisfaction, sur ce point, au Gouvernement de Washington, étant entendu que le juge adjoint ainsi choisi devrait être de nationalité américaine.

Ambassade de France, Londres,
le 10 septembre 1924.

[W 7655/17/28] No. 24.

Mr. MacDonald to Sir G. Grahame (Brussels).

(No. 1290.)

Sir, *Foreign Office, September* 17, 1924.

I TRANSMIT herewith a copy of correspondence with the French Chargé d'Affaires on the subject of the modified demands now put forward by the Belgian Government as a condition of their accession to the Tangier Convention.

2. His Majesty's Government, you will see, are in agreement with the French Government to satisfy these demands on every point except that of the inclusion of Belgian nationals in the customs service. The French delegates at the Tangier Conference pointed out that the Shereefian Government guarantee the payment of the interest due from Tangier in respect of the 1904 and 1910 loans, the bonds of the Tangier–Fez Railway Company and the bonds of the Tangier Port Company, a total of over 4 million francs a year. The estimated revenue of the Tangier customs only just covers the sum required for the discharge of those obligations, and the French Government demanded that the collection of the customs revenues should be subject to their control. The other two Governments recognised the force of that argument, and their representatives were empowered to agree to the customs administration of the new zone being entrusted to the Shereefian Customs. Complete guarantees for the good conduct of the Tangier customs service are afforded by article 39 of the convention, which provides that the budget of the customs service must be approved annually by the Assembly, who may refuse to vote the salaries of the customs officials. In the event of a deadlock, the decision lies with the Committee of Control (Consular Corps). The latter are also empowered to require the dismissal of the head of the service.

3. In case the Minister for Foreign Affairs should mention the matter, it may be useful for your Excellency to be acquainted with the above reasons which lead His Majesty's Government to regard the proposed reply of the French Government on this point as entirely justified.

I am, &c.
J. RAMSAY MACDONALD.

[W 7655/17/28] No. 25.

Mr. MacDonald to M. de Montille.

Sir, *Foreign Office, September* 18, 1924.

IN your note of the 10th instant you informed me that the Belgian Ambassador in Paris had intimated that, in the light of the reply received from the Powers signatories of the Tangier Convention, the Belgian Government would no longer insist on their original conditions, but would be disposed to accede to the convention without delay provided that satisfaction were given to them on certain other points enumerated by the Baron de Gaiffier d'Hestroy.

2. In answer to the question which you went on to ask, I have the honour to state that His Majesty's Government are in general agreement with the lines of the reply which the French Government propose to return to these present demands. They desire to raise no objection to the inclusion of a Belgian non-commissioned officer in the gendarmerie, nor to the post of "sous-officier comptable" in that force being held also by a Belgian national. They presume, however, that these arrangements will in some measure increase the cost of the service, and they will be glad, therefore, to learn whether the French Government can suggest any means of effecting some equivalent reduction.

3. His Majesty's Government agree that the French Government are justified, for the reasons stated in your note, in declining to entertain the employment of Belgian nationals in the customs service. As regards other branches of the administration, His Majesty's Government have always held that candidates for appointment should be selected strictly according to merit, and without regard for considerations of nationality. In the event of a Belgian candidate being the most suitable for any given post, His Majesty's Government would undoubtedly use their influence in his behalf.

4. I shall be grateful if the French Government will be so good as to furnish me in due course with the actual text of the reply made to the Baron de Gaiffier.

I have, &c.
J. RAMSAY MACDONALD.

[W 7656/17/28] No. 26.

Mr. MacDonald to Sir E. Howard (Washington).

(No. 1470.)

Sir, *Foreign Office, September* 22, 1924.

I REQUEST that your Excellency will reply in the following terms to the note of the 11th July last from the United States Secretary of State to His Majesty's Chargé d'Affaires containing the answer of the United States Government to the invitation addressed to them by the Governments of Great Britain, France and Spain to accede to the Tangier Convention and to renounce their extra-territorial rights in the Tangier zone.

2. His Majesty's Government wish at the outset to express their gratification at the friendly terms of Mr. Hughes's note and their appreciation of the desire avowed by the United States Government to place no obstacle in the way of an honest effort to improve existing conditions at Tangier.

3. At the conclusion of their note the United States Government intimate that they will consider the possibility of returning a favourable response to the three Powers subject to the receipt of satisfactory assurances on five specific points. His Majesty's Government desire to offer the following observations on each of the points in question :—

(1.) Definitions of the terms "economic equality among nations" and "régime of economic equality" were intentionally omitted from articles 7 and 30 of the Tangier Convention. It was thought that definitions might obscure rather than clarify the meaning of the terms. In deference to the wish of the Government of the United States, His Majesty's Government are ready to declare that they interpret articles 7 and 30 of the convention as requiring *inter alia* that—

(*a.*) In all matters relating to customs or tonnage duties, warehousing, port dues or other charges or taxes of whatever character pertaining to industry or commerce, there shall be no discrimination in law or in fact placing or tending to place the nationals, products or ships of one country at any disadvantage as compared with those of another country.

(*b.*) As regards the right to acquire and hold property, the pursuit of occupations, industry or professions, and all that pertains to facilities of any kind there shall be no discrimination.

(*c.*) In the granting of concessions of all kinds, as well as in the granting of contracts for private works and in the purchase of supplies there shall be suitable opportunity for competition and open bidding free from any condition or provision calculated to give competitors of one nationality any advantage over those of another.

(*d.*) No monopoly or exclusive privilege shall be created or granted which would result in monopolisation of the markets, resources or facilities of the Tangier zone for the benefit of any special interests, directly or indirectly or in any exclusive or preferential advantage inconsistent with the principle of complete equality of opportunity. In order to avoid any misunderstanding, it should be added that under articles 8 and 9 of the Tangier Convention nationals of Germany, Austria and Hungary are excluded from the enjoyment of economic equality as defined above.

(2.) There seems to be some misapprehension on this point in the mind of the United States Government. Under the terms of the convention neither the internal nor external affairs of the zone are in the hands of the signatories, whose powers of intervention are limited to the functions assigned by articles 30 and 31 to the Committee of Control, in which all the signatories of the Act of Algeciras are equally represented, and to which is entrusted the task of ensuring the observance of the régime of economic equality and the provisions of the Tangier Convention. The internal administration of the zone is in the hands of the Assembly, which is composed of representatives of the various colonies in proportion to their number, wealth and commerce and of administrative officials responsible only to the Assembly. The external affairs of the zone are dealt with in article 5 of the convention, which provides that in diplomatic matters there shall be no derogation from the provisions of article 5

of the Protectorate Treaty of the 30th March, 1912. Article 5 of the Protectorate Treaty lays down that the "Resident-General is the only intermediary of the Sultan with foreign representatives and in the relations which those representatives have with the Shereefian Government. He is entrusted with the negotiation of all questions effecting foreigners in Morocco." The signatories of the Tangier Convention have thus recognised the special rights and with them the special responsibility of France in the Tangier zone in so far as diplomatic questions are concerned. It is the special duty of the Committee of Control, on which His Majesty's Government earnestly hope that the United States will be represented, to ensure that the Tangier Administration is not guilty of acts or omissions which would ordinarily give rise to international representations. Should such a situation arise, however, the French Government are obliged under the terms of the convention to accept, and are understood, in fact, to be prepared to acknowledge, full responsibility towards the United States or any other Government.

(3.) In framing the dahir establishing the Mixed Tribunal the representatives of the signatory States were actuated by the almost universally accepted principle of the divorcement of the judicial from the executive authority. For that reason it was provided in the statute that the magistrates should be appointed by the Sultan on the recommendation of the Government concerned without reference to the Tangier Assembly, and that no person holding an official position should sit on the tribunal as an associate judge. His Majesty's Government feel that a rigid adherence to the above provisions is in the best interests of Tangier. Nevertheless, in order to meet the wishes of the United States Government, they are willing to interpret the convention as permitting the designation of an associate judge or judges from amongst the personnel of the United States consulate at Tangier, excluding only consular officers *de carrière* and provided that the nominee be an American citizen. They trust that this solution will be satisfactory to the United States Government.

(4.) His Majesty's Government confirm that the provisions of article 13 of the convention with respect to semsars are intended in no way to, and do not in fact, affect the existing rights of the Powers in regard to semsars in other parts of Morocco.

(5.) His Majesty's Government agree that the extension to the Tangier zone of any future international agreement concluded by His Shereefian Majesty shall not in any way prejudice or abridge the rights of American citizens in Tangier without the consent of the United States Government.

4. His Majesty's Government note with regret that the United States Government do not propose to participate in the administration of the Tangier zone. They trust, however, that that decision does not mean that the United States Government will not be represented on the Committee of Control. His Majesty's Government do not aspire to a predominant position at Tangier. They sincerely desire the co-operation of all the Powers to secure the principle of economic equality, the maintenance of which is the primary function of the Committee of Control, and they believe that the representation of the United States on that body will be no less in the interests of the United States than in those of the inhabitants of the zone.

I am, &c.
J. RAMSAY MACDONALD.

[**W 7656/17/28**] No. 27.

Mr. MacDonald to the Marquess of Crewe (Paris).

(No. 2993.)
My Lord, *Foreign Office, September* 22, 1924.

IN my despatch No. 2449 of the 31st July last, I instructed Mr. Phipps to ascertain the views of the French Government on the reply of the United States Government to the joint invitation to accede to the Tangier Convention addressed to them by the French, Spanish and British Governments.

2. The French Chargé d'Affaires has recently called to explain the views of his Government and to enquire whether His Majesty's Government concur. A copy of the *note verbale* left by M. de Montille is enclosed herewith for your Lordship's information.*

3. I request that you will inform the French Government that His Majesty's Government share their views, and that you will communicate to them the enclosed copy of a despatch to His Majesty's Ambassador at Washington,† embodying the terms of the reply which he has been instructed to make to the Government of the United States.

I am, &c.
J. RAMSAY MACDONALD.

[**W 7656/17/28**] No. 28.

Mr. MacDonald to Sir H. Rumbold (Madrid).

(No. 530.)
Sir, *Foreign Office, September* 22, 1924.

IN my despatch No. 403 of the 31st July last, I instructed Mr. Gurney to ascertain the views of the Spanish Government on the reply of the United States Government to the joint invitation to accede to the Tangier Convention addressed to them by the French, Spanish and British Governments.

2. As you will see from the enclosed copy of a *note verbale** communicated by the French Chargé d'Affaires, the views of the French Government coincide with those of His Majesty's Government. In the absence of a reply from the Spanish Government, I must assume that they do not differ on any essential point, and I have decided to defer no longer my reply to the Government of the United States, particularly since the departure of the President of the Directorate to Morocco renders it unlikely that you will be able to elicit any information from the Spanish Government for some time.

3. I request that if your Excellency sees no objection you will inform the Spanish Government accordingly, and will communicate to them the enclosed copy of a despatch† to His Majesty's Ambassador at Washington, embodying the terms of the reply of His Majesty's Government to the Government of the United States.

I am, &c.
J. RAMSAY MACDONALD.

[**W 7677/17/28**] No. 29.

Mr. MacDonald to Mr. Kennard (Rome).

(No. 1339. Confidential.)
Sir, *Foreign Office, September* 24, 1924.

WITH reference to my despatch No. 1138 of the 13th instant, I transmit herewith a copy of a memorandum handed to the Italian Chargé d'Affaires by way of reply to the document recently communicated to me by the Ambassador, outlining the conditions which the Italian Government are disposed to attach to their accession to the Tangier Convention.

2. Although the demands advanced by that Government are little short of preposterous, based as they are on totally untenable claims, I was anxious that the reply should be as little contentious as possible. The arguments employed are therefore directed mainly to the broader aspect of the question, and include only a brief allusion to the juridical position, which was set out in some detail in the memorandum enclosed in my despatches to Mr. Phipps, No. 2576, and to Sir H. Rumbold, No. 426, of which you will have received copies. A reply, based mainly on strictly legal grounds, might have been interpreted as showing an absence of goodwill; it certainly would have exasperated the Italian Government in their present frame of mind, and would no doubt have led to further argument, accompanied probably with acrimony.

3. No allusion, you will see, is made to the considerations which Signor Mussolini desired me specially to take into account (see my despatch No. 1138 of the 12th ultimo), and which were conveyed to me in a very confidential form. Those

* No. 23. † No. 26.

considerations appear to me to rest on no more solid foundations than does the claim to set aside the position derived from the treaties. The most important of them is the claim that, apart from the juridical aspect, Italy's position as a great Mediterranean Power entitles her to a special position at Tangier. If it does so entitle her, which is a dangerous and quite unacceptable theory, it would equally have done so before the war, when, far from asserting any such claim, the Italian Government deliberately and expressly renounced any further interest in Morocco in exchange for a compensating advantage elsewhere, in the shape of the renunciation of French interest in Tripoli. The logical extension of this surprising thesis would give France the right to claim a voice in any future disposition of Tripoli; it would give Greece, in the event of her developing into a Mediterranean Power, the right to claim a share in the settlement of numerous questions in which she had had no previous concern; it might, indeed, even have given Spain the right to interfere in the fate of the Dodecanese.

4. Another of Signor Mussolini's theories which is equally untenable is that the exclusion of the ex-enemy States from Morocco as one of the fruits of the common victory also entitles Italy to special consideration. The argument is totally irrelevant; neither Germany nor Austria-Hungary had claimed the right to take part in the negotiations which were interrupted by the war, and the resumption of which was in no way affected by those provisions of the peace treaties which related to Morocco. I am at a loss to understand of what advantages, derived from the exclusion of the ex-enemy States, Italy imagines herself to have been deprived alone among the Allies.

5. As you will have gathered from the earlier part of this despatch, I am anxious, so far as possible, to palliate the rejection of the Italian Government's demands. I shall be glad, therefore, if, so soon as you think they will have received the communication handed to Signor Preziosi, you will seek an interview with Signor Mussolini, and, after thanking him for his kind references to myself, will explain to him confidentially that, while His Majesty's Government have in honesty refrained from placing any share of the onus on to other shoulders, they know, from the previous history of this question, that they would have failed, had they made the attempt, to persuade the French Government to agree to the Italian demands. The real facts are that it was owing solely to the promises given to former British Governments, and to no other, that the French Government were finally constrained last year to carry out their pledge of internationalisation. The late Government regarded the convention, though admittedly not perfect, as a cause of great satisfaction, in that it put an end to the encroachments of the French at Tangier which increasing as they were year by year, almost day by day, would shortly have ended in its total absorption. His Majesty's Government are not prepared to run any risk, such as there undoubtedly would be, of losing this settlement by throwing the whole question once more into the melting pot, which in effect is what the Italian Government expected them to do. The settlement, safeguarding as it does the strategic position and equality of commercial opportunity, is a great deal more than the Italian Government would have got if there had been no convention. It would be a fatal mistake to risk all by asking more.

6. It is doubtful whether Signor Mussolini, knowing that he is on weak ground, will embark on a discussion of the legal position; if he does, you are in a position to show him the fallacies of his case. He is more likely to repeat the special considerations to which I have already referred; in that case you will also be prepared. It is unnecessary to add that such arguments should be used sparingly and in the friendliest possible manner.

I am, &c.
J. RAMSAY MACDONALD.

Enclosure in No. 29.

Memorandum.

(Confidential.)

THE memorandum communicated to the Secretary of State for Foreign Affairs by the Italian Ambassador on the 8th ultimo enumerated a number of conditions which the Italian Government are disposed to attach to their accession to the Tangier Convention and the renunciation of their capitulatory rights in the Tangier zone of Morocco. The fulfilment of those conditions was to form the subject of an

additional convention to be concluded between the Italian Government, on the one hand, and the three Governments signatories of the above-mentioned convention, on the other.

2. His Majesty's Government, anxious in this as in all other matters to satisfy any legitimate aspiration of the Italian Government, brought the utmost goodwill to their examination of the latter's desiderata. To their disappointment they found them to amount in substance to a claim to be placed on a footing similar to that of Great Britain, France and Spain.

3. Even if those three Powers did not possess treaty rights which entitle them to a special position at Tangier, their material interests in the zone are immeasurably greater than those of Italy. Recently prepared statistics show the Italian colony as inferior in numbers, commerce, wealth and standing to that of each of the authors of the convention.

4. Apart, however, from both those aspects, His Majesty's Government would not be justified in risking a reversion to the situation which, until a basis was found for the resumption of the negotiations suspended during the war, was causing them ever-increasing anxiety. That basis was only found with great trouble and after much delay. The ensuing negotiation of the convention presented difficulties which at one time threatened to prove insuperable. Any radical alteration of the structure so carefully raised on those delicate foundations might well result in the collapse of an arrangement which His Majesty's Government confidently believe to be in the best interests of Italy no less than of the countries responsible for the convention.

Foreign Office, September 24, 1924.

[W 8253/17/28] No. 30.

Sir A. Grant Duff to Mr. MacDonald.—(*Received September* 26.)

(No. 371.)

Stockholm, September 23, 1924.

Sir,

WITH reference to Sir Colville Barclay's despatch No. 199 of the 3rd June last, I have the honour to transmit to you herewith copy of a note from the Swedish Government informing me officially that they have decided to adhere to the convention signed at Paris on the 18th December, 1923, to regulate the future status of the Tangier zone of Morocco, on the understanding that such adherence only implies the renunciation by Sweden of her capitulatory rights in the said zone for the duration of the validity of the convention, and that in the event of a regular Swedish consul being appointed at Tangier he will be a member of the Committee of Control under article 30 of the convention.

I have, &c.
A. C. GRANT DUFF.

Enclosure in No. 30.

Swedish Minister for Foreign Affairs to Sir A. Grant Duff.

M. le Ministre,

Stockholm, le 19 *septembre* 1924.

PAR note en date du 2 juin dernier, Sir Colville Barclay a bien voulu, d'ordre du Gouvernement de Sa Majesté britannique, solliciter l'adhésion du Gouvernement royal à la convention relative à l'organisation du statut de la zone de Tanger signée à Paris le 18 décembre 1923.

En réponse à cette communication, j'ai l'honneur par la présente de porter officiellement à votre connaissance que le Gouvernement du Roi a décidé d'adhérer à ladite convention.

Il est bien entendu que cette adhésion n'implique une renonciation par la Suède au régime capitulaire dans la zone en question que pour la durée de la validité de la convention, et que dans l'éventualité où le Gouvernement du Roi nommerait à Tanger un consul de carrière, celui-ci serait, conformément à l'article 30, membre du Comité de Contrôle y prévu.

Veuillez agréer, &c.
E. MARKS VON WÜRTEMBERG.

[W 8253/17/98] No. 31.

Mr. MacDonald to the Marquess of Crewe (Paris).

(No. 3110.)

Sir, *Foreign Office, October 2, 1924.*

I TRANSMIT a copy of a despatch from His Majesty's Minister at Stockholm* reporting that the Swedish Government have intimated that they have decided to accede to the Tangier Convention on the understanding that such accession only implies the renunciation of Swedish extra-territorial rights in the zone for the duration of the convention, and that in the event of a regular Swedish consul being appointed at Tangier he will be a member of the Committee of Control.

2. His Majesty's Government see no objection, for their part, to the desired assurances being given to the Swedish Government, and I shall be glad if your Lordship will ascertain as soon as possible whether the French Government share this view.

3. A similar despatch has been addressed to His Majesty's Ambassador at Madrid.

I am, &c.

J. RAMSAY MACDONALD.

[W 8852/17/28] No. 32.

Sir H. Rumbold to Mr. MacDonald.—(Received October 13.)

(No. 516.)

Sir, *Madrid, October 8, 1924.*

WITH reference to my telegram No. 96 of the 6th instant, I have the honour to transmit herewith translation of a note which I have received from the Acting President of the Military Directorate in regard to the Tangier Convention.

This note contains the reply of the Spanish Government to the notes which I have addressed to them, not only in regard to the date on which the convention should be brought into force, but also with regard to the replies to be returned to the communications received from the United States and Italian Governments in regard to the convention. The note was drafted before the receipt of the communication by which I informed them, as instructed in your despatch No. 530 of the 22nd September, that His Majesty's Government had already replied to the note from the United States Government.

I have, &c.

(For the Ambassador),

HUGH GURNEY.

Enclosure in No. 32.

Acting President of the Military Directorate to Sir H. Rumbold.

(Translation.)

Your Excellency, *Madrid, September 30, 1924.*

YOUR Excellency's notes dated the 22nd July and the 4th August, and the memorandum of the 18th August, were duly received at this Presidency. In these documents the Embassy under your Excellency's worthy charge referred respectively to the date on which the Paris Convention relative to the Tangier Statute could be brought into force, and the observations which the Governments of the United States and Italy have addressed to the Cabinet of London in regard to the same.

Although no close and direct connection exists between the above-mentioned aspirations expressed by various countries in connection with the statute and the date of application of the same, it is evident that it would be in the general interest that before the new régime begins to function, the difficulties which may have been raised by third Powers should have disappeared. Consequently, the Military Directorate, before expressing to His Britannic Majesty's Government its points of view in this respect, had thought it desirable to wait until the Cabinet of Rome should have communicated to it its observations, and until the views of the French Republic on matters of such importance should similarly have been fully made known to it.

* No. 30.

However, the French Government, although it has been so good as to address to me a note in regard to the date of application of the statute, has not up to now made known to the Military Directorate its opinion in regard to the American and Italian observations, an opinion to which, in view of the spirit of mutual and friendly understanding which animates the three parties chiefly interested, especial importance must necessarily be attached.

Nevertheless, in view of the anxiety of the British Government, as shown by the recent notes from the Embassy in your Excellency's worthy charge, to know as soon as possible the views of the Military Directorate on the subject, I have the honour to set forth below some observations dealing with its various aspects and expressing the Spanish point of view in the matter.

Date of Application of the Convention.

His Majesty's Government is in agreement with your Excellency that it is important to give the impression that the application of the Tangier Statute, in spite of the preparatory work which it involves, is not to be deferred indefinitely. It considers therefore that, with this end in view, it would be desirable to make public as soon as possible the agreement between the three Governments concerned, fixing forthwith and in advance the date in question.

His Majesty's Government venture, however, to differ as regards the date itself, for it fears that the fact of beginning to apply the statute without the provisions so inherent in its essential contents and its spirit as those which deal with the establishment of the mixed tribunals and the suppression of the régime of Capitulations would diminish its prestige and the impression of security and strength which, in its opinion, ought to accompany the new state of things from its very birth, and would introduce into its application, in a matter so difficult to delimit and restrict as the above-mentioned régime of Capitulations, a confusion which, from all points of view, it is desirable to avoid.

The Military Directorate is therefore of the opinion that it is of vital importance for the future and for the prestige of the statute that it should from the very outset be able to be applied in its entirety, and in this conviction it considers—and it ventures to express this to your Excellency in a friendly manner—that the co-existence, although temporary, of the régime of Capitulations with the new state of things is not acceptable and should be rejected by friendly agreement between the three signatory Powers.

In conformity with this view this Presidency ventures to point out how much it would assist the realisation of such a proposal to appoint forthwith the expert translators who, without loss of time, should devote themselves to the Arabic text of the fundamental codes and the relative laws of minor importance which are now being prepared in Paris and Rabat. A period of two or three months would seem to be more than sufficient for the execution and completion of this work.

As regards the Spanish translation of the text in question, it is being carried out with all diligence as the work of preparation of the legal texts proceeds; so that on the part of the Spanish Government it may be confidently hoped that in this respect there should be no difficulties involving any delay.

The date of the 1st January of next year would therefore in the view of His Majesty's Government be the most suitable for putting the statute into force in its entirety, that is to say, with the simultaneous abrogation of the régime of Capitulations and the immediate and subsequent establishment of the mixed tribunal.

His Majesty's Government would consent at once to the publication of its agreement in this respect with the Cabinets of London and Paris, which would, it considers, produce the effect on public opinion to which I had the honour to allude above, sufficient time being thus obtained not only to terminate the preparation and even the publication of the legal texts, but also, as a subsidiary advantage, to attempt to dispel by means of mutual and amiable exchanges of views difficulties which may arise from certain aspirations expressed by third Powers.

Observations formulated in regard to the Tangier Statute by the Government of the United States.

His Majesty's Government is cognisant of the observations in question not only from the Embassy note dated the 4th August last, but also from a communication addressed by the Government of Washington to M. Riaño.

The American Government animated by respect—worthy of the greatest esteem and commendation—due to every effort honestly directed to the improvement of

conditions at Tangier, states, in brief, that it would be disposed, after having had an opportunity of examining the regulations and codes referred to in articles 32 and 48 of the convention respectively, to take into consideration the possibility of suspending its extra-territorial rights in the zone, provided that attention were paid to certain observations in regard to some interesting points, on which I have the honour to set forth the opinion of the Military Directorate below :—

1. *Régime of Free Economic Competition.*—Although the stipulations contained in the Hispano-Franco-British Convention in regard to the Tangier régime on this point constitute a sufficiently full and clear guarantee of the régime of free economic competition, His Majesty's Government would have no objection to giving to the Washington Cabinet by means of notes addressed to the North American Government the terms of which might be amicably arranged, all the amplifications and declarations which it asks for on this point.

2. *Personality and Responsibility of the Tangier Administration.*—The American Government desires that the signatories of the Paris Convention should assume full responsibility for any act or omission of the administrative authorities of the zone which would ordinarily give rise to a right of international reclamation. The preoccupation which seems to have dictated this demand may easily be dissipated, in the opinion of the Military Directorate, and in agreement with the observations formulated by the Embassy in your Excellency's worthy charge by pointing out that the participation of the American consul in the work of the Committee of Control and the special powers of that assembly constitute a sufficient guarantee in this respect for the Government of the United States.

3. *Administration of Justice.*—His Majesty's Government, in conformity with the view expressed by His Britannic Majesty's Ambassador in his memorandum on the subject, is of opinion that the powers given by the provisions of article 6, paragraph 4, of the judicial dahir constitute in themselves as effective a guarantee of justice for North American citizens as could be provided by the right to choose their associate (judges) from among the officials attached to the consulate of their country at Tangier.

If such reasonable arguments do not suffice to ensure the adhesion of the United States on this concrete point, the Military Directorate would have no greater objection to admitting that the phrase "public function," contained in paragraph 4 of article 1 of the judicial dahir, does not apply to auxiliary bureaucratic functions performed by European officials attached to foreign consulates at Tangier.

It should indeed be considered that the particular reason which induced the drafters of the judicial dahir to disqualify public officials from occupying the position of associated members of the mixed tribunal was the moral incompatibility which appears to exist between the right to intervene in the administration of justice and the discharge of functions which involve intervention in the administration of the zone. That is to say, that the expression "public functionary" may be solely interpreted in the sense of a functionary who intervenes in the public life of Tangier or in the local administration of the city and its zone, in which the employee of a foreign consulate who discharges in his chancery bureaucratic functions of an auxiliary character does not, by the fact of discharging them, take any part.

In this order of ideas and animated by the most friendly feelings towards the points of view of the American Government, these might be met by admitting such an interpretation, which should, however, not apply to consular officers *de carrière* who may and do discharge on the Committee of Control different functions clearly laid down in the statute and which should not be combined or coincide with the administration of justice.

In any case, His Majesty's Government would consider it preferable that the Government of the United States should be satisfied with the guarantees contained in this respect in the provisions of the above-mentioned article 6.

4. *Régime of Protection.*—The American Government desires that it should be clearly understood that the provisions contained in article 13 in regard to the abolition of the régime of protection refer exclusively to the city of Tangier and its zone, while the international stipulations governing the said régime of protection should be regarded as still in force in the other parts of Morocco.

The Spanish Government hopes, naturally, that as a consequence of the renunciation by the United States of the régime of Capitulations in the zone of Tangier, the said Government will likewise and voluntarily renonuce in the zone of the Spanish protectorate the benefits deriving from the régime referred to, which does not constitute, in the opinion of the Military Directorate, an essential guarantee

for the protection of the interests of any foreign subject resident in the said zone from the moment when perfectly organised tribunals of justice are operating in it.

There would, however, be no objection to declaring expressly that the provisions of article 13 of the Hispano-Anglo-French Convention of December 1923 refer exclusively to the city of Tangier and its district; and that, consequently, the renunciation on the part of the United States of the régime of Capitulations and of protection in any other zone of Morocco, should form the subject of separate negotiations.

The Military Directorate holds the conviction that the foregoing arguments, which coincide almost in their entirety with those expressed by His Britannic Majesty's Embassy in the memorandum frequently referred to above, should be sufficient to obtain the adhesion of the United States to the Paris Convention, and it believes that they could serve as a basis for the reply which, after a final and friendly exchange of views between the three Governments chiefly concerned, could be sent to the Government of Washington by their diplomatic representatives in that capital.

Observations formulated in regard to the Statute of Tangier by the Italian Government.

The Spanish Government is in agreement with that of His Britannic Majesty in considering that the rights of Spain and France to a special position in Tangier are indisputable. It considers, similarly, that the rights of Great Britain, although they are not so manifest, justify the leading rôle ("intervention prééminente") assigned to her in the recent Paris Convention. Moreover, if, as a basis for estimating the respective position of each country in regard to the problem of Tangier, the importance of its colony is taken into account as well as the extent and value of its commerce, its geographical position and political and historical considerations, it does not appear that any other nation can claim to occupy in this administration a position superior, or even equal to, those which unquestionably appertain to the three countries which signed the Pact of Paris.

The sincere intention which moved His Majesty's Government to declare at the beginning of the Paris negotiations the pleasure with which it would accept any formula tending to grant the Italian Government a share in those conversations, inclines it similarly on this occasion, notwithstanding the general considerations put forward above, to make the greatest effort at conciliation; attempting in relation to each one of the desires expressed by the Government of Rome to overcome the real difficulties which lie in the way of acceptance, with a view to demonstrating practically that no innovation will meet with invincible opposition from the Military Directorate within the essential principles which inform the Statute of Tangier; and that it will always aim at satisfying, so far as possible, the Government of a country like that of Italy, with which it is united by so many sincere bonds of friendship.

Consequently, and in order to give concrete expression to the opinion of His Majesty's Government in regard to each one of the aspirations contained in the Italian memorandum, I have the honour to inform your Excellency of the following :—

1. *Army Officer attached to the Consulate-General*—The sufficiently ample form in which the last paragraph of article 3 of the Paris Convention was drawn up does not exclude the possibility, always assuming an attitude of friendly goodwill, of any other Government which may not be that of any one of the signatory Powers attaching to its consular representation in Tangier an army officer charged with the duty of reporting on the observance of the undertakings of a military nature involved in the statute.

The Military Directorate, therefore, would not oppose the appointment by the Italian Government of an officer charged with such a mission.

2. *Appointment of an Italian Representative on the Commission charged with fixing the Customs Duties.*—His Majesty's Government shares the opinion expressed regarding this point in the note from the British Embassy dated the 18th August last, and hopes that when the misapprehension in question has been dispelled in the manner so aptly indicated by your Excellency the Italian Government will not insist on this request.

3. *Appointment of Italian Magistrates.*—The organisation of the Mixed Tribunal of Tangier has its origin in the clauses contained in the Convention of Paris and in the draft dahir which is attached thereto. As it does not appear possible, in conformity with what is laid down in article 56, that any of the three

signatory Powers should admit any essential modification of its contents within twelve years, it cannot be considered that there are any suitable means, however great may be the goodwill of His Majesty's Government, of acceding to the Italian demand in regard to this matter.

His Majesty's Government, however, is sincerely anxious to declare that its attitude of opposition in this matter is based, not on the merits ("fondo") of the question, but on the obligation which it believes itself to be under to maintain undertakings expressly contracted and which it believes are in opposition to the desire expressed by the Italian Government. It would not regard it as out of place, therefore, to support any formula providing the possibility of modifying the treaty in this matter by enlarging the judicial organisation provided for Tangier in such a way that it would approximate in form to that of the mixed tribunals of Egypt. It would carry its spirit of conciliation so far as to admit in principle that the emoluments assigned to the magistrates of each country, and in consequence, to the Spanish ones, should be debited to the budget of the State in question, since it is fully in agreement with the opinion expressed by your Excellency in your note already referred to, that it is not possible to burden the future municipality of Tangier with charges greater than those represented by the organisation of the statute as conceived by the Paris negotiators.

The Italian request regarding the designation of a secretary "greffier" appears to His Majesty's Government more capable of acceptance; wherefore, taking into account that there is nothing in article 14 of the judicial dahir to prevent the office in question being held by an Italian subject, it is disposed for its part to accede, in the hope that this important concession would be sufficient to satisfy Italian aspirations on this point.

4. *Participation in the Port Works.*—In agreement with the opinion expressed by the Embassy in the worthy charge of your Excellency in the memorandum relative to the matter, His Majesty's Government considers that as none of the three contracting Powers have laid claim to the adjudication of a definite section of the port works, the Italian Government will not insist on itself being the object of such a preference.

It could, however, be given every desirable guarantee that the régime of free economic competition will be applied with complete impartiality to the adjudication of the works concerned, so that Italian undertakings will be in the same position as those of any other country to hope to obtain this award.

5. *Participation in the Elaboration of the Codes.*—As is clearly laid down in the British memorandum, the circumstance that the codes are on the point of being concluded, makes it impossible to accept a demand which would imply beginning all over again a most laborious and delicate task. While assuming, however, that the intention by which the Italian Government is inspired is none other than a desire to obtain the assurance that future legislation in Tangier shall constitute a guarantee of ability and justice, His Majesty's Government would have no objection to communicating to the Cabinet at Rome the legal texts in question once they have been concluded; and in a friendly and semi-official manner, with a view to the said Government in the same way declaring its agreement with it; that is to say that the Mixed Commission in Paris would not be authorised to declare its labours ended until the Italian Government has expressed its agreement in a friendly and confidential manner, it being understood, in consequence, that any justifiable observation formulated by the Cabinet in Rome should be received and studied by the said commission in Paris, which would try to take it into consideration although it might imply some modification of the text.

6. *Representation in the Municipal Assembly; Appointment of Vice-President, &c.*—The desire of the Italian Government is in opposition to the provisions of the Paris Convention, which were not arrived at without great and laborious difficulty.

The participation in the Municipal Assembly finally accorded to Spain by the arrangement arrived at in Paris is far from representing in this particular the realisation of the Spanish ideal, which for imperative reasons of mutual concord could not be attained in its integrity.

The Directorate hopes that this consideration will induce the Italian Government to realise the desirability of renouncing similarly on its part the attainment in their entirety of aspirations which can with difficulty be wholly realised by each one of the parties in a matter of international negotiation: since the mutual spirit of necessary and friendly renunciation is opposed thereto, without which it would be impossible to arrive at understandings of this nature.

I think it unnecessary, however, to inform your Excellency that if on the part of His Britannic Majesty's Government or of the French Republic any formula may be discovered which would offer a possibility of meeting the Italian aspirations on this point, the Military Directorate would welcome it with the greatest pleasure.

7. *Maintenance of the Diplomatic Agencies.*—The terms in which article 49 of the Convention of Paris has been drawn up and accepted by the three signatory Powers do not allow of the acceptance in its strictest interpretation of the suggestion on this point made by the Italian Government. His Majesty's Government, however, impelled by its sincere desire to satisfy so far as possible the desires of the Cabinet of Rome, would not oppose the conclusion of an additional agreement representing a solution in a conciliatory manner and consisting of appointing diplomatic officials *de carrière* with the rank of consuls-general.

8. *Participation of the Italian Navy in the Surveillance of Contraband.*—On the part of His Majesty's Government there would be no objection to a ship belonging to the Italian navy being associated with those of the three Powers signatory to the Convention of Paris in the duty of surveillance referred to in article 4 of the agreement in question.

In having the honour to transmit to your Excellency the foregoing considerations, inspired as they are by a spirit of the greatest and most cordial accommodation, which I hope will be recognised by His Britannic Majesty's Government, I hasten to add that none of them expresses a definite decision on each one of the points referred to, but an opinion, the product, it is true, of prolonged consideration, but subject to further modifications which might be accepted after the friendly exchange of views which in the opinion of the Military Directorate must be the logical complement of the Paris negotiations and the only possible basis for their adaptation to the needs of the situation.

I avail, &c.
EL MARQUES DE MAGAZ.

[W 8869/17/28] No. 33.

Sir R. Graham to Mr. MacDonald.—(*Received October* 13.)

(No. 873. Confidential.)
Sir, *Rome, October* 9, 1924.

I TOOK my first opportunity, which occurred this afternoon, of speaking to the President of the Council in the sense of your despatch No. 1339, Confidential, of the 24th ultimo, regarding your reply to the Italian Embassy in London on the subject of the Tangier Convention. Signor Mussolini showed no disposition to discuss the legal position, or, indeed, to enter into a discussion of the question at all. He listened to what I had to say, but merely observed that the Italian Government would now consider what their next step must be. The argument which seemed to have most effect with him was that regarding the danger of admitting that any Power which claimed to be a great Mediterranean Power must necessarily be entitled to intervene in all questions affecting the Mediterranean, as such a claim might even entitle Spain to intervene in the fate of the Dodecanese.

The secretary-general to the Ministry, whom I saw yesterday, was more communicative. He said that the whole question had got on to a wrong footing. The Italian Ambassador in London had been instructed not to open the question officially with you or to put forward any specific Italian demands, but merely to sound you and to ask your advice as to what course the Italian Government had best pursue, emphasising their special position in the matter. The Marquis della Torretta had reported that, when he endeavoured to do this, you had asked him for a memorandum, embodying the Italian claims, and that he had felt unable to refuse such a request. Senator Contarini said that the Italian Government quite understood your difficulties in the matter, but that you must also understand theirs. The Tangier Convention had led to an explosion in the Italian press. Italy had been represented as shut out from the negotiation and neglected. Signor Mussolini had promised that he would protect Italian rights, and it was impossible for him to accept the convention as it stood without incurring much hostile criticism and serious political damage. Senator Contarini asked whether we had felt bound to reject the Italian demands *in toto*. I replied that it might have been possible to consider certain minor claims, but that His Majesty's Government had felt that to do this while rejecting all the major claims would have been almost insulting to Italy, and that it was a more

friendly action to take the demands as a whole and refuse them *en bloc*. To this the Senator entirely agreed. As the discussion developed I was able to make use of the arguments supplied to me in your despatch under reference, and they evidently made some impression. Senator Contarini contested that the Italian renunciation of further interest in Morocco in exchange for French renunciation of interest in Tripoli applied to Tangier, which was, he maintained, an entirely separate question. He added that the Italian demands had been drawn up by the *contentieux* of the Ministry. He did not personally attach a great importance to them, but what was important was that some satisfaction should be given to Italian *amour-propre* by recognising Italy's special position as a great Mediterranean Power. The Italian Government could not face the political consequences which would be caused by an unreserved acquiescence in the present convention. Their future course—and it would have been better if they had adopted it at once, instead of addressing themselves to His Majesty's Government alone—must be to draw up a reasoned reply to the note from the three signatory Powers to the convention communicating that convention to them. The question of eventually submitting the matter to the League of Nations was under consideration, and the idea would probably be favourably regarded here in the event of it being unobjectionable to His Majesty's Government.

I have, &c.
R. GRAHAM.

[**W 9216/17/28**] No. 34.

The Marquess of Crewe to Mr. MacDonald.—(*Received October* 23.)

(No. 2322.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the French Ministry for Foreign Affairs respecting the Swedish accession to the Tangier Convention.

Paris, October 22, 1924.

Enclosure in No. 34.

M. Herriot to the Marquess of Crewe.

M. l'Ambassadeur, *Paris, le* 21 *octobre* 1924.

J'AI l'honneur d'accuser réception à votre Excellence de sa lettre du 9 de ce mois, concernant les conditions mises par le Gouvernement suédois à son adhésion à la convention du 18 décembre 1923 relative au statut de la zone de Tanger.

Je m'empresse de vous faire savoir que, pas plus que le Foreign Office, mon Département n'a pas d'objections à ce que l'accession de la Suède implique sa renonciation aux droits extra-territoriaux suédois dans la zone, pendant la durée de ladite convention seulement, ni qu'au cas où un consul de carrière suédois serait nommé à Tanger, il devienne, de droit, membre de la Commission de Contrôle.

Veuillez agréer, &c.
HERRIOT.

[**W 9287/17/28**] No. 35.

Sir H. Rumbold to Mr. MacDonald.—(*Received October* 27.)

(No. 537.)

HIS Majesty's representative presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith a note from the Military Directorate on the question of the adherence of the United States Government to the Tangier Convention.

Madrid, October 20, 1924.

Enclosure in No. 35.

The Marquis de Mágaz to Sir H. Rumbold.

(Translation.)

Your Excellency, *Madrid, October* 14, 1924.

IN continuation of the note which I had the honour to address to your Excellency on the 20th September last, and in reply to your Excellency's note of the 2nd instant which was received on the 6th instant, I hasten to inform your Excellency that as the Military Directorate appreciate the fact that the points of view expressed by the three Governments which signed the Convention of Paris regarding the Statute of Tangier are in agreement in regard to the desires expressed in the matter by the Government of the United States, they are to-day instructing His Majesty's Ambassador at Washington to the effect that, acting in accord with his British and French colleagues, if time still permits, he should give expression to the Spanish point of view in regard to this question and address a note to that effect to that Cabinet on the lines of which your Excellency is already cognisant, as they are indicated in my note of the 6th instant already referred to above.*

The only point in which there existed any divergence between the Government of Great Britain and that of His Majesty was the question of the nomination of assistant judges, since in regard to this question the Military Directorate were of the opinion that it was possible to grant greater facilities, as I had the honour to state to your Excellency in the note of the 6th instant already referred to.

The Presidency is happy to note that His Britannic Majesty's Government, by their instructions to Sir Esme Howard, a copy of which formed the annexe to your Excellency's note of the 2nd instant, have changed their former point of view in regard to this matter and have expressed an opinion which is almost in complete accord with that of the Military Directorate and of the Government of the French Republic; and will in consequence facilitate the joint action in Washington which will, without doubt, so much contribute to obtaining the definite adherence of that Cabinet to the Hispano-Anglo-French Convention of December 1923.

I avail, &c.
EL MARQUÉS DE MAGAZ.

[**W 9565/17/28**] No. 36.

Sir G. Grahame to Mr. MacDonald.—(*Received November* 4.)

(No. 842.)

Sir, *Brussels, November* 3, 1924.

I HAVE the honour to inform you that, on receipt of your despatch No. 1431 of the 22nd October, instructing me to concert with my French colleague in addressing a note to the Belgian Government on the subject of the demands put forward by them as a condition of their accession to the Tangier Convention, I communicated with M. Maurice Herbette, and he sent me a draft note in the sense of his instructions, copy of which were communicated to you by the French Ambassador in London.

M. Herbette informed me at the same time that the Spanish Ambassador here told him that he could not address any further note to the Belgian Government on the subject, as the Spanish Government had not been informed by the Belgian Government of their modified demands.

M. Herbette further stated that he had learnt from his Government that the Spanish Government were now prepared to consider favourably the reduced Belgian conditions, provided these were first communicated to them officially. M. Herbette concluded by saying that we could either suggest to the Belgian Government that they should communicate officially with the Spanish Government and wait until the Spanish Ambassador here should have been instructed to inform the Belgian Government that his Government accepted them, or—and it was to this course that he inclined—that we should send in our notes forthwith, at the same time hinting that the Spanish Government would send a communication in a similar sense as soon as they were officially informed of the proposals.

In the meantime, my Spanish colleague called upon me and gave me unofficially copy of a note just received from the Belgian Minister for Foreign Affairs. I beg

* The reference should apparently be to their note of the 30th September.

leave to enclose herein a copy of this communication. It is in substance to the effect that the suggestions of the Belgian Government were first communicated to the French Government tentatively, and that, before similar communications could be made to the Spanish and British Governments, action had been suspended, in view of fresh information received by the Belgian military authorities, which made them desire to reconsider the conditions of Belgian acceptance. A further communication on the whole question was now about to be addressed to the Spanish, French and British Governments.

The French Ambassador, whom I have again seen, has also been made aware unofficially by the Spanish Ambassador of the new Belgian note, and proposes to inform his Government that he is suspending action on their instructions until the Belgian note has been received by the three Governments. I informed M. Herbette that I would adopt a similar course and explain to you what had occurred.

I have, &c.
GEORGE GRAHAME.

Enclosure in No. 36.

M. Hymans to Sir G. Grahame.

M. l'Ambassadeur, *Bruxelles, le* 31 *octobre* 1924.

PAR sa note du 29 octobre, votre Excellence a bien voulu me faire savoir que le Gouvernement royal d'Espagne examinerait dans l'esprit le plus amical les nouvelles propositions que le Gouvernement du Roi voudrait bien lui soumettre concernant le futur Statut de Tanger. Je remercie vivement votre Excellence de cette communication. Par la lettre du 1er juillet à laquelle se réfère la note de votre Excellence, son Excellence le Président du Directoire militaire avait répondu à l'Ambassadeur de Belgique à Madrid que le Gouvernement espagnol ne pouvait, à son vif regret, accueillir les demandes que le Gouvernement du Roi avait formulées, notamment en ce qui concerne l'adjonction d'un officier belge au futur commandant de la gendarmerie de Tanger. L'Ambassadeur du Roi à Paris fut chargé peu après de demander au Gouvernement de la République si deux sous-officiers belges ne pourraient être adjoints au commandant; des suggestions analogues devaient être faites en même temps aux Gouvernements espagnol et britannique; mais, au moment où des instructions en ce sens allaient être adressées à Madrid et à Londres, les autorités militaires ont exprimé le désir qu'il fût sursis à toute nouvelle démarche, parce qu'elles désiraient examiner à nouveau, à la lumière de renseignements récemment recueillis, de quelle collaboration devait être assuré le futur commandant pour pouvoir remplir de façon satisfaisante sa délicate mission; c'est ce qui explique que les Gouvernements espagnol et britannique n'ont point été saisis de la suggestion. Le Gouvernement français n'a pas donné suite à la démarche du Baron de Gaiffier d'Hestroy et aucun échange de vues n'a eu lieu depuis lors. D'autre part, les conversations entre Ministères compétents n'ont pas encore abouti à une conclusion. Le Gouvernement du Roi espère être bientôt en mesure d'adresser à ce sujet des communications aux trois Gouvernements signataires de la convention du 18 décembre 1923.

Je saisis, &c.
HYMANS.

[**W 9216/17/28**] No. 37.

Mr. Austen Chamberlain to Mr. Ramsay (Stockholm).

(No. 291.)

Sir, *Foreign Office, November* 12, 1924.

IN my predecessor's despatch No. 275 of the 24th ultimo was enclosed a copy of a note in which the French Government stated that they concurred in the view of the Swedish Government that the latter's accession to the Tangier Convention implied the renunciation of Swedish capitulatory rights in the Tangier zone for the duration of the convention only, and that in the event of the appointment of a regular Swedish consul at Tangier he would be a member of the Committee of Control.

2. The Spanish Government have not yet expressed an opinion on the subject, but I do not propose indefinitely to defer replying to the Swedish Government on that account, particularly since there is no reason to suppose that the Spanish Goverment's views differ from those of the French Government. I request accordingly that you will express to the Swedish Government the gratification of His Majesty's Government at the accession of Sweden to the Tangier Convention and state that His Majesty's Government concur in the view of the Swedish Government as to the implication of their accession.

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 9777/17/28**] No. 38.

Mr. Austen Chamberlain to Sir G. Grahame (Brussels).

(No. 1528.)

Sir, *Foreign Office, November* 14, 1924.

I HAVE received your despatch No. 835 of the 8th instant enclosing a copy of a note* in which the Belgian Government state that they desire to modify the conditions under which Belgium is prepared to accede to the Tangier Convention and that they will shortly address a further note on the subject to the three signatory Governments.

2. As your Excellency will have seen from the confidential print sections, it has been decided to bring the Tangier Convention into force on the 1st December next. It is highly disappointing to learn that the Belgian Government are still considering at this stage the question of their accession to the convention, and are thus withholding from the Tangier Assembly and the Committee of Control the advantage of including a Belgian representative at their initial meetings. It is as much in the interest of Belgium as of the other Powers that the principle of equality shall be rigidly observed at Tangier, and the best means of achieving this is surely for the Belgian Government to participate in the administration of the zone, particularly during the period which will see the birth of the new régime.

3. The signatory Governments have agreed not to delay the application of the convention pending the organisation of the gendarmerie, but to maintain the existing French and Spanish tabors until the new force is ready to take their place. In the circumstances there seems no imperative reason for the Belgian Government to subordinate their accession to an immediate settlement of the questions connected with the command of the gendarmerie. I request that you will take an early opportunity of calling the attention of the Belgian Government to the above considerations and of earnestly impressing on them the advantage of acceding to the convention before the 1st December and thus of acquiring the right to participate in the initiation of the new régime.

4. It will be well for you to communicate the tenor of your instructions to your French and Spanish colleagues.

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 10115/17/28**] No. 39.

Mr. Wingfield to Mr. Austen Chamberlain.—(Received November 24.)

(No. 892.)

Sir, *Brussels, November* 19, 1924.

WHEN I called on M. Hymans to-day, in compliance with the instructions contained in your despatch No. 1528 of the 14th instant, I had just received from him the note, a copy of which I beg leave to enclose herewith, making further suggestions with regard to the Tangier gendarmerie. I informed his Excellency, however, that, from a hasty perusal of his note, I felt convinced that it contained nothing to modify the instructions I had received from you, which were to urge that the Belgian Government should adhere to the Tangier Convention before the 1st proximo, since such accession need not necessarily be postponed till the questions connected with the gendarmerie had been settled.

I then handed to him a memorandum, a copy of which I have the honour to transmit to you herewith. M. Hymans read it through rapidly and promised to

* Not printed.

re-examine the question without delay. I am informing my French and Spanish colleagues of the communication which I have made to M. Hymans.

I venture to request your instructions as to the reply to be returned to M. Hymans' note about the gendarmerie.

I have, &c.
CHARLES WINGFIELD.

Enclosure 1 in No. 39.

M. Hymans to Sir G. Grahame.

M. l'Ambassadeur, *Bruxelles, le 18 novembre* 1924.

PAR ma lettre du 8 de ce mois, j'ai eu l'honneur de faire connaître à votre Excellence que j'espérais être bientôt en mesure de lui indiquer les vues du Gouvernement du Roi quant au commandement de la gendarmerie tangéroise.

Si les autorités militaires belges compétentes avaient exprimé le vœu que les cadres adjoints au capitaine belge comprissent un autre officier de même nationalité, c'était pour faciliter au futur commandant l'accomplissement de sa délicate mission ; elles ne se dissimulaient pas en effet l'extrême difficulté de la tâche assignée à un chef qui, ignorant des affaires marocaines, serait assisté d'officiers et de sous-officiers français et espagnols accoutumés à travailler séparément, et devrait commander à des caïds et soldats indigènes soumis jusqu'ici à des régimes distincts, les uns dans le tabor dit espagnol, les autres dans le tabor dit français Le lieutenant belge dont l'adjonction était demandée eût servi d'agent de liaison, tout en pouvant, au besoin, suppléer le commandant.

Malheureusement, les trois Puissances contractantes n'ont pas cru pouvoir accueillir la proposition que le Gouvernement du Roi avait formulée à ce sujet.

D'autre part, des personnes compétentes ont fait observer que la présence de sous-officiers européens serait particulièrement utile dans une troupe indigène sur laquelle doit s'exercer un contrôle minutieux, auquel ne peuvent sans doute suffire les caïds ; le corps de gendarmerie devrait à leur sens comprendre deux sous-officiers européens (outre le sous-officier comptable mentionné à l'article 4 du règlement de la gendarmerie), et ces deux sous-officiers pourraient être belges.

Comme j'ai eu l'honneur de l'écrire a votre Excellence, les autorités militaires belges viennent d'examiner à nouveau la question à la lumière de renseignements récemment recueillis ; elles estiment toujours que la collaboration d'un lieutenant belge apporterait au commandant l'aide la plus efficace ; aussi le Gouvernement du Roi serait-il particulièrement heureux si les trois Gouvernements contractants, passant outre aux objections formulées il y a quelques mois, consentaient à adjoindre au capitaine belge qui sera désigné un lieutenant de même nationalité.

Au cas où il leur paraîtrait impossible de prendre pareille décision, le Gouvernemcnt du Roi désirerait que le commandant soit du moins accompagné de deux sous-officiers belges, dont l'action serait fort utile au point de vue du service et de la discipline, et dans la collaboration desquels il trouverait une sérieuse assistance.

J'adresse les mêmes demandes aux Ambassadeurs d'Espagne et de France.

Je saisis, &c.
HYMANS.

Enclosure 2 in No. 39.

Memorandum.

HIS Britannic Majesty's Chargé d'Affaires presents his compliments to his Excellency the Minister for Foreign Affairs and with reference to M. Hymans' note of the 8th instant relative to the question of the accession of the Belgian Government to the Tangier Convention, has the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to remind his Excellency that it has been decided to bring the Tangier Convention into force on the 1st December next. It is therefore with considerable disappointment that His Majesty's Government have learned that the Belgian Government are still considering at this stage the question of their accession to the convention, and are thus withholding from the Tangier Assembly and the Committee of Control the advantage of including a Belgian representative at their initial meetings. His Majesty's Government feel that it is as much in the interest of

Belgium as of the other Powers that the principle of equality shall be rigidly observed at Tangier, and it seems to them certain that the best means of achieving this end is for the Belgian Government to participate in the administration of the zone, particularly during the period which will see the birth of the new régime.

The signatory Governments have agreed not to delay the application of the convention pending the organisation of the gendarmerie, but to maintain the existing French and Spanish tabors until the new force is ready to take their place. In the circumstances there would seem to be no imperative reason for the Belgian Government to subordinate their accession to an immediate settlement of the questions connected with the command of the gendarmerie.

In inviting the earnest attention of the Belgian Government to the above considerations, His Majesty's Chargé d'Affaires is directed to express the hope that they will see their way to accede to the convention before the 1st December, and thus to acquire the right to participate in the initiation of the new régime.

Brussels, November 19, 1924.

[W 10115/17/28] No. 40.

*Mr. Austen Chamberlain to the Marquess of Crewe (Paris).**

(No 3681.)
My Lord *Foreign Office, November* 25, 1924.

WITH reference to my despatch No. 3588 of the 16th instant, I transmit herewith a copy of a despatch from His Majesty's Chargé d'Affaires at Brussels enclosing a copy of a note in which the Belgian Government state the conditions under which they are prepared to appoint a Belgian officer to command the Tangier gendarmerie.†

2. There are obvious advantages and disadvantages to the two alternatives proposed by the Belgian Government, and His Majesty's Government are prepared to defer in this matter to the wishes of the French and Spanish Governments, who are primarily interested, inasmuch as the gendarmerie will be drawn from the existing French and Spanish tabors. His Majesty's Government earnestly hope, however, that no time will be lost in deciding which alternative is to be preferred and in conveying the decision to the Belgian Government.

3. I request that you will ascertain the views of the French Government, and inform them of the attitude of His Majesty's Government as explained above.

4. I am addressing a similar despatch to His Majesty's Ambassador at Madrid.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 10275/17/28] No. 41.

Sir C Marling to Mr. Austen Chamberlain.—(Received November 27.)

(No. 443.)
Sir, *The Hague, November* 25, 1924.

A DAY or two after the interview with the Secretary-General of the Ministry for Foreign Affairs, which I had the honour to report in my despatch No. 428 of the 18th instant, a secretary of the French Legation informed Mr. H. Seymour that a despatch had reached M. Charles Bénoist from the Quai d'Orsay instructing him to urge the Netherlands Government to signify its accession to the Tangier Convention, and informing him that representations were being made in London and Madrid inviting the British and Spanish Governments to join in the action contemplated here. As no further instructions from your Department were received by the bag which reached me yesterday, which was also the day of M. van Karnebeek's weekly reception, and as I learnt that my French and Spanish colleagues contemplated raising the question with the Netherlands Foreign Office, I though it desirable again to mention the matter myself. I therefore brought the subject up with M. van Karnebeek, remarking that I had just learnt that the French and Spanish Governments were as eager to obtain the accession of the Netherlands to the convention

* No. 39. † Also to Sir H. Rumbold (Madrid), No. 656, *mutatis mutandis*.

as ourselves; to this his Excellency replied that he was a little surprised at this attitude on the part of Madrid, but that as regards France he had known since last July that it had all along been the intention of the Quai d'Orsay to endeavour to expedite the Dutch accession.

I observed that in that case it was a pity that M. van Swinderen had not been able to mention this at the Foreign Office where it was believed the French Government had diametrically opposite views. It would at least have saved my Government from sending instructions framed under a misapprehension of the facts. Did his Excellency know what reasons the French Government had for taking up a position which was clearly unexpected in London.

His Excellency evaded both the implied reproach and the question, and went on to explain his own view, which, briefly stated, is as follows:—

> The Netherlands Government can, for the reasons described in my above-mentioned despatch, by no means accede to the convention for at least two months, and therefore their best policy is to shelve that point and employ the interval in negotiating with the French Government with the object of obtaining from them, if not a satisfactory agreement in principle of the treatment to be accorded to protected natives in general, then at all events a special agreement which would safeguard natives under Dutch protection. The latter solution his Excellency appeared to consider to be easy of attainment as the French Government had already made a concession in compliance with Dutch views; the former was certainly more difficult, the main difficulty being the Spanish list of protected persons, which contained a host of "undesirables"; but an acceptable formula could most probably be found. He was on the point of opening conversation on these lines in Paris and had some reason to hope for success. He asked that I would represent these views to you.

I replied that I would not fail to do so, but I could not see what he hoped to gain tactically by shelving for the moment the question of Dutch accession, if indeed that were possible. The French Legation would know as well as I did the length of time required to get parliamentary sanction and the suggested manœuvre was perfectly transparent. In any case it only spelt delay, and in particular delay in getting the maximum neutral representation on the Conseil de Contrôle, which, in the view of His Majesty's Government, was of so great interest in the early days of its existence, when important decisions as to the methods of operating the Tangier Convention had to be taken. I went on to say that, like Holland, His Majesty's Government took a strong interest in an equitable solution of the question of foreign-protected persons in the French and Tangier zones, and intended to press their views energetically and firmly in Paris, and clearly counted on being able to do so with success. In these circumstances I hoped his Excellency would fall in with our views and would expedite Dutch accession to the convention. By his manner rather than by the actual words used his Excellency produced on me the impression that he felt doubtful as to our insisting on our views very far with the Quai d'Orsay, so much so that I rejoined that the statement on the point which accompanied the instructions to myself was quite categorical and had, I believed, been made to M. van Swinderen also.

As my Spanish and French colleagues will probably hear at the Foreign Office of the representations previously made by me, I have informed them in general terms of the fact that I have twice pressed the Netherlands Government to effect their accession to the convention, and that the answer was to the effect with which they are themselves familiar.

I have, &c.
CHARLES M. MARLING.

[**W 10356/17/28**] No. 42.

The Marquess of Crewe to Mr. Austen Chamberlain.—(Received November 29.)

(No. 2604.)
Sir, *Paris, November 28, 1924.*

WITH reference to your despatch No. 3681 of the 15th November last, I have the honour to report that a member of my staff to-day visited the head of the African Department of the Quai d'Orsay and approached him in the sense desired by you on

the subject of the conditions asked for by the Belgian Government for the appointment of a Belgian officer to command the Tangier gendarmerie.

M. de Beaumarchais stated that the French Government were in agreement with the second of the two Belgian alternatives, namely, that two Belgian non-commissioned officers should be attached to the commander of the gendarmerie. The French Government had telegraphed to Madrid instructing their representative to ask the Spanish Government to accept this Belgian proposal. M. de Beaumarchais asked whether His Majesty's Government would be willing to instruct His Majesty's Ambassador in Madrid similarly to urge the Spanish Government to agree to the second Belgian alternative.

M. de Beaumarchais then reverted to the question of the Dutch protégés. He stated that the French Government have now accepted the Dutch conditions, and he showed a telegram which was being sent to the French Legation at The Hague in that sense. According to this telegram it was to be a condition of acceptance of the Dutch demand, that the Netherlands Government should give the French Government, for formal approval by the Resident-General at Rabat, a list of the Netherlands protégés. It was to be understood that the list would be approved by the French authorities without modifications. The Netherlands Government were to be informed that the French Government would expect them to regard this arrangement as involving their agreement *ad referendum* to the Tangier statute, that the new Dutch consular representative should at once take up his duties at Tangier in order that the committee of control might include a Dutch member, and also that a Dutch member should be appointed to the Legislative Assembly. Acceptance *ad referendum* was, of course, to mean acceptance subject to final parliamentary approval. This, however, M. de Beaumarchais expected to be a pure formality.

I have, &c.
CREWE.

[**W 10601/17/28**] No. 43.

Sir G. Grahame to Mr. Austen Chamberlain.—(Received December 8.)

(No. 937.)
Sir, *Brussels, December 5, 1924.*

WITH reference to my despatch No. 930 of the 2nd instant, I have the honour to transmit to you herewith a copy of a letter received yesterday from the French Ambassador, together with a copy of a note enclosed therein, which he proposed to address to-day to M. Hymans, on the subject of the Tangier Convention and the Tangier gendarmerie.

From your despatch No. 3681 to His Majesty's Ambassador in Paris of the 25th ultimo, which reached me in the last print sections, it seemed clear that this French communication was in accordance with the wishes of His Majesty's Government, whilst the Spanish Ambassador, whom I consulted by telephone, informed me that he was prepared to address a note to the Belgian Government in the same general sense. It also seemed desirable to act at once, since M. Hymans leaves early to-morrow for Rome. In these circumstances, after telephoning to Mr. Villiers at the Foreign Office to ensure that I was justified in saying that I was acting under instructions, I drafted a note, a copy of which I beg leave to transmit herewith, and despatched it this morning to the Belgian Minister for Foreign Affairs.

I am communicating copies of this note to my French and Spanish colleagues.

I have, &c.
GEORGE GRAHAME.

Enclosure 1 in No. 43.

M. Herbette to Sir G. Grahame.

Ambassade de France,
Mon cher Collègue et Ami, *Bruxelles, le 4 décembre* 1924.

JE viens de recevoir de Paris une lettre me prescrivant d'effectuer, d'accord avec vous, une nouvelle démarche auprès du Gouvernement royal pour obtenir son adhésion à la convention du 18 décembre 1923 relative à l'organisation du statut de la zone de Tanger.

J'ai, en conséquence, rédigé le projet de lettre ci-joint que je me propose d'adresser demain 5 décembre au Ministère des Affaires étrangères, M. Hymans quittant Bruxelles le 6 au matin.

Comme vous le constaterez, mon Gouvernement m'a prescrit d'intervenir aussi pour que le consul général belge à Tanger soit invité à siéger, dans le plus bref délai possible, au sein du Comité de Contrôle de la zone. On m'a invité également à insister pour que le capitaine belge devant commander la gendarmerie fût désigné sans retard et envoyé à Tanger, où il se proposerait à entrer en fonctions.

Si vous n'êtes pas en mesure de vous associer à ces deux dernières demandes, je crois qu'il vous est, en tout cas, possible d'adresser à M. Hymans une nouvelle communication pour obtenir l'adhésion de la Belgique à la convention du 18 décembre 1923, et c'est là l'essentiel.

Le reste est secondaire, et il n'y aurait pas d'inconvénient à ce que ma propre lettre, conforme à mes instructions, fût envoyée telle que je l'ai rédigée.

J'adresse la même communication à notre collègue d'Espagne.

Bien cordialement à vous.

MAURICE HERBETTE.

Enclosure 2 in No. 43.

French Ambassador's Draft Reply to the Belgian Minister for Foreign Affairs.

M. le Ministre, *Bruxelles, le 5 décembre* 1924.

A LA date du 30 mai dernier, j'ai eu l'honneur, d'ordre de mon Gouvernement, d'exprimer à votre Excellence l'espoir que le Gouvernement royal voudrait bien adhérer à la convention conclue le 18 décembre 1923 entre la Grande-Bretagne, l'Espagne et la France, au sujet de l'organisation du statut de Tanger.

En accusant réception le 18 novembre dernier de cette communication, votre Excellence a insisté auprès de mes collègues d'Angleterre, d'Espagne et de moi-même pour que le capitaine belge qui doit être investi du commandement de la gendarmerie de Tanger fût assisté de deux sous-officiers belges.

D'après une lettre que je reçois de M. le Président du Conseil, Ministre des Affaires étrangères, la demande du Gouvernement royal est agréée par les Gouvernements intéressés.

Dans ces conditions, le Gouvernement de la République espère que le Gouvernement royal donnera son adhésion à la convention du 18 décembre 1923 et voudra bien prescrire à son consul général de siéger, dans le plus bref délai possible, au sein du Comité de Contrôle de la zone.

Il y aurait, d'autre part, le plus grand intérêt à ce que le capitaine belge de la gendarmerie fût désigné sans retard et envoyé à Tanger, où il se préparerait à son entrée en fonctions.

Veuillez agréer, &c.

Enclosure 3 in No. 43.

Sir G. Grahame to M. Hymans.

M. le Ministre, *Brussels, December* 5, 1924.

WITH reference to your Excellency's note of the 18th ultimo and to the memorandum left with you by Mr. Wingfield on the 19th ultimo, I have the honour to inform your Excellency, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, that His Majesty's Government agree to the proposal that the Belgian commandant of the Tangier gendarmerie should be assisted by two Belgian non-commissioned officers.

In these circumstances, I have the honour to express the hope that the Belgian Government will now see their way to adhere to the Tangier Convention, and that instructions will accordingly be sent which will enable the Belgian representative to take part as soon as possible in the meetings of the Tangier Assembly and Committee of Control.

I avail, &c.

GEORGE GRAHAME.

[**W 10681/17/28**] No. 44.

Sir G. Grahame to Mr. Austen Chamberlain.—(*Received December* 9.)

(No. 942.)

HIS Majesty's representative at Brussels presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copies of two notes from M. Hymans respecting Belgian adherence to the Tangier Convention.

Brussels, December 6, 1924.

Enclosure 1 in No. 44.

M. Hymans to Sir G. Grahame.

M. l'Ambassadeur, *Bruxelles, le 6 décembre* 1924.

PAR sa lettre du 5 de ce mois, votre Excellence a bien voulu, d'après les instructions du principal Secrétaire d'État de Sa Majesté pour les Affaires étrangères, me faire savoir que le Gouvernement britannique consentait à adjoindre deux sous-officiers belges au capitaine belge qui doit être investi du commandement de la gendarmerie de Tanger.

Des communications analogues m'ont été faites par les Ambassadeurs d'Espagne et de France.

J'ai appris avec une vive satisfaction que les trois Puissances signataires de la convention relative au statut de Tanger accueillaient la demande que le Gouvernement du Roi avait formulée à ce sujet.

Cette question réglée, aucun obstacle ne s'oppose désormais à ce que la Belgique adhère à la convention ; aussi j'ai l'honneur de faire parvenir ci-jointe à votre Excellence une lettre lui notifiant l'adhésion du Gouvernement du Roi.

Je m'entendrai au plus tôt avec mon collègue, M. le Ministre de la Défense nationale, sur la désignation du capitaine et des deux sous-officiers. D'autre part, le nouveau consul général qui va être nommé au poste de Tanger pourra, dès son arrivée, siéger au sein du Comité de Contrôle.

Je saisis, &c.

HYMANS.

Enclosure 2 in No. 44.

M. Hymans to Sir G. Grahame.

M. l'Ambassadeur, *Bruxelles, le 6 décembre* 1924.

CONFORMÉMENT à l'article 56 de la Convention relative à l'Organisation du Statut de la Zone de Tanger, conclue le 18 décembre 1923 par la Grande-Bretagne, l'Espagne et la France, votre Excellence a été chargée d'inviter le Gouvernement du Roi à donner son adhésion à ladite convention en tant que signataire de l'Acte général de la Conférence d'Algésiras.

Après avoir pris les ordres du Roi, mon auguste Souverain, j'ai l'honneur de faire savoir à votre Excellence que la Belgique adhère à la convention du 18 décembre 1923 et accepte les changements que celle-ci apporte aux stipulations de l'Acte général de la Conférence d'Algésiras.

Je saisis, &c.

HYMANS.

(c.) Effect of the Tangier Convention on System of Protection.

[**W 7144/17/28**] No. 45.

Mr. Phipps to Mr. MacDonald.—(*Received August* 27.)

(No. 1862.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the Ministry for Foreign Affairs, dated the 25th August, 1924, respecting the status of former European protégés in three zones of Morocco.

Paris, August 26, 1924.

Enclosure 1 in No. 45.

Note from French Government.

PAR sa note du 28 juillet dernier, l'Ambassade de Sa Majesté britannique à Paris a bien voulu rappeler au Ministère des Affaires étrangères la question de la juridiction à laquelle seront soumis les anciens protégés européens dans les trois zones du Maroc.

Se référant à sa note du 31 juillet dernier, le Ministère des Affaires étrangères a l'honneur d'exposer à l'Ambassade de Sa Majesté britannique qu'il n'est pas possible d'admettre que les anciens protégés dans les trois zones du Maroc soient admis à bénéficier de la juridiction européenne dans ces trois zones. Le Gouvernement chérifien, en effet, n'a pas été partie à la revision des titres de protection en zone espagnole et il ne pourrait admettre, dans ces conditions, que les anciens protégés de la zone espagnole fussent justiciables à Tanger de la juridiction mixte et dans la zone française de l'Empire chérifien de la juridiction française.

Il admettrait par contre que les anciens protégés de la zone française et les anciens protégés de la zone de Tanger, à la revision de titres desquels il a été partie, fussent à la fois justiciables de la juridiction française dans la zone française de l'Empire chérifien et de la juridiction mixte à Tanger.

Le Ministère des Affaires étrangères se plaît à espérer que cette formule, qui témoigne le plus vif désir de conciliation du Gouvernement chérifien, sera estimée à sa valeur par le Gouvernement de Sa Majesté britannique. Il communique à cet effet, à toutes fins utiles, à l'Ambassade de Sa Majesté britannique une copie de la lettre qu'il vient d'adresser à ce sujet au Ministre des Pays-Bas à Paris.

Ministère des Affaires étrangères, Paris,
le 25 août 1924.

Enclosure 2 in No. 45.

French Government to Netherlands Minister (Paris).

Ministère des Affaires étrangères, Paris.
[Undated.]

M. le Ministre,

PAR votre lettre du 28 juin dernier, vous avez bien voulu m'entretenir à nouveau de la question des anciens protégés européens au Maroc et me demander notamment que les anciens protégés hollandais de Tanger soient reconnus justiciables des tribunaux français dans la zone française de l'Empire chérifien.

J'ai l'honneur de vous faire savoir que si, après un nouvel examen de la question, il n'a pas été possible d'admettre que les anciens protégés hollandais en zone espagnole seraient justiciables en zone française des tribunaux français et à Tanger du Tribunal mixte, le Gouvernement chérifien, désireux, dans toute la mesure du possible, de donner satisfaction à la demande qui a été exprimée par le Gouvernement hollandais, est disposé à admettre la réaction réciproque dans la zone française et dans la zone de Tanger des effets de l'ancienne protection néerlandaise reconnue par le Maghzen à des sujets marocains dans l'une et l'autre zone.

Dans ces conditions, les anciens protégés néerlandais de la zone de Tanger seront justiciables, leur vie durant, à la fois des tribunaux de la zone française de l'Empire chérifien et du Tribunal international mixte de Tanger, et la même faveur sera accordée aux anciens protégés hollandais de la zone française de l'Empire chérifien.

Je ne doute pas que le Gouvernement de la Reine ne veuille bien reconnaître l'effort de conciliation témoigné dans la circonstance par le Gouvernement chérifien et qu'il ne tienne à reconnaître cet effort en adhérant sans délai à la convention du 18 décembre 1923 relative au statut de Tanger.

Veuillez, &c.
[Unsigned.]

[W 7748/17/28] No. 46.

Mr. Codrington to Mr. MacDonald.—(Received September 15.)

(No. 261.)
Sir, *Tangier, September* 9, 1924.

IN your despatch No. 344 of the 2nd September, which reached me on the 7th September, you requested me to furnish my observations on the proposals regarding protection put forward by the French Government in their note of the 25th August, with particular regard to their effect on British protégés. You also enquired what was the present position of Netherlands protégés and ex-protégés in Tangier and the two zones of Morocco.

2. It will perhaps be more convenient to consider this latter question first. In the Tangier and Spanish zones, where the Dutch still enjoy extra-territorial rights, their protégés or ex-protégés, from whatever zone originating, should, of course, be justiciable before their own consular courts, and I have not heard of any case in which this right has been questioned by the authorities of either of these two zones in respect of protégés originating in either of the two other zones. Further, though no case of this kind has arisen, the Dutch dragoman and Chargé d'Affaires informs me that a Dutch ex-protégé of the French zone (where the Dutch have given up their capitulations) going to the Spanish zone would be treated by the Dutch consular officer there as a Dutch protégé. He was unable to throw any light on the attitude which would be adopted by the Spanish zone authorities.

3. When a Dutch protégé from Tangier or the Spanish zone goes to the French zone, he travels on a Dutch passport; to the issue of such passports the French authorities at first were inclined to raise objections, but no allusion has been made to this matter for some considerable time. Recently, however, a more serious question was raised owing to a Dutch protégé of the Spanish zone being refused access to the French courts by the authorities of the French zone. This question is not yet settled, and as the Dutch attach considerable importance to the question of principle involved, they took the opportunity of raising it in connection with the request that they should adhere to the Tangier Convention.

4. An examination of the French proposals reveals the fact that they raise two questions of principle, the decision with regard to which might be of great importance in future negotiations. These are:—

(1.) The question of admitting that Morocco no longer exists as one unity; that there is not, in fact, one Sultan and one Makhzen, but three Makhzens.

(2.) An admission that protection can only be granted by favour of the French (Moorish) authorities; this is the direct reverse of what we have always contended, namely, that the Makhzen cannot oppose the grant of protection, though we do, as a matter of courtesy, notify to them all applications for certificates before protection is granted, and listen to any objection they may raise, based on the Béclard Agreement or the Madrid Convention.

5. The system of protection dates from a period anterior to the conception of a Morocco divided into three autonomous or quasi-autonomous zones, and this agency has always rendered to the Makhzen at Rabat a complete list of all our protégés in whatever zone residing; their protection has always been held to extend throughout the Empire of Morocco. It is difficult to see, therefore, how we can admit the right of the French to exclude Dutch protégés of the Spanish zone from the Tangier Mixed Tribunal or French tribunals in the French zone; an exclusion which would presumably also extend to British protégés from the Spanish zone. His Majesty's Government could hardly admit that their protégés in Tetuan, who have always been considered amenable only to British consular courts, should suddenly find themselves as regards the Tangier or French zones, justiciable before the native officials.

6. The French Government make no mention of their own ex-protégés in the Spanish zone, who, as you are aware, are probably very numerous. Presumably, they also would be excluded from the Mixed Tribunal at Tangier, but this, as well as their status in the French zone, is a point which should certainly be cleared up.

7. The question of the right of the French authorities to refuse to recognise protection granted by His Majesty's Government has been discussed at length in the past. I would refer more particularly to Lord Curzon's despatch No. 3374 to Lord Hardinge of the 10th November, 1922, and earlier correspondence.

8. In brief, though I can understand the feeling underlying the French proposals, I do not consider that His Majesty's Government can admit the theory advanced by the French Government in their reply to the Dutch Government without injury to their own existing interests and prejudicing their position in any subsequent negotiations with regard to the abandonment of their extra-territorial rights in the Spanish and French zones.

I have, &c.
WILLIAM CODRINGTON.

[**W 7748/17/28**] No. 47.

Mr. MacDonald to the Marquess of Crewe (Paris).

(No. 3030.)
My Lord, *Foreign Office, September* 25, 1924.

WITH reference to Mr. Phipps's despatch No. 1862 of the 26th ultimo, I transmit herewith for communication to the French Government a memorandum setting forth the views of His Majesty's Government on the future status of European protégés and ex-protégés in the three zones of Morocco

I am, &c.
J. RAMSAY MACDONALD.

Enclosure in No. 47.

Memorandum.

HIS Majesty's Government have given most careful consideration to the note of the French Government of the 25th ultimo, on the subject of the status of European protégés and ex-protégés in the three zones of Morocco.

2. The French Government state that they cannot admit that former protégés of the Spanish zone should be justiciable before either the Mixed Tribunal at Tangier or the French tribunals of the French zone for the reason that the Shereefian Government were not a party to the revision of the lists of protection in the Spanish zone. On the other hand they agree that former protégés of the Tangier and French zones, whose claims to protection the Shereefian Government have examined and admitted, should be justiciable in the French tribunals and the Tangier Mixed Tribunal respectively.

3. If His Majesty's Government have properly understood these proposals it is the view of the French Government that, for example, French ex-protégés from the Spanish zone should be justiciable in the native courts both in the Tangier zone and in the French zone of Morocco, and that conversely French ex-protégés from the Tangier zone should be justiciable in the French tribunals of the French zone and in the native courts of the Spanish zone, since presumably the Spanish Government will follow the lead of the French Government and refuse to recognise the grant of protection in the French and Tangier zones, to which they have not been a party. His Majesty's Government cannot believe that the French Government have weighed these proposals which, apart from the anomalous situation which they create, strike at the very roots of the French conception, shared by His Majesty's Government, that Morocco is an Empire one and indivisible under the sovereignty of the Sultan.

4. It is in accordance with this conception that His Majesty's Government have always regarded British protection as extending throughout the whole Empire of Morocco, and that they have annually rendered to the Shereefian Government as an act of courtesy a complete list of all British protégés, in whatever zone residing. They are not aware that the French Government have ever contested this view and they cannot understand why the entry into force of the Tangier Convention should be considered as justifying a radical modification in the existing system of protection. His Majesty's Government do not desire to reopen an old controversy, but they feel constrained to point out that they have never recognised the right of the Shereefian Government to refuse to recognise the validity of British protection properly conferred on natives of Morocco. The fact that His Majesty's Government voluntarily agreed under the Tangier Convention to the revision of the British list of protection at Tangier by agreement with a representative of the Shereefian Government in no way constitutes a surrender of British rights in this respect.

5. His Majesty's Government earnestly trust that in the light of the above consideration the French Government will reconsider their decision which, apart from its effect on the whole theory of government in Morocco, will inflict a grave injury on a number of natives on whom foreign Governments, including France, have in the exercise of their rights conferred protection.

Foreign Office, September 25, 1924.

[**W 9903/17/28**] No. 48.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 3578.)
My Lord, *Foreign Office, November* 15, 1924.

WITH reference to my despatch No. 3030 of the 25th September last, I transmit herewith a copy of a despatch to His Majesty's Minister at The Hague regarding the difference which has arisen with the French Government on the subject of the status of European protégés and ex-protégés in the three zones of Morocco.*

2. The refusal of the French Government to settle this question to the satisfaction of the Netherlands Government is the only obstacle to the accession of the Netherlands to the Tangier Convention. This is all the more regrettable in that the French Government have no legal justification for their attitude. Even if they had, a concession to the Netherlands Government would involve no detriment to French interests; it would scarcely have any practical effect, for the occasions on which protégés of one zone have to use the courts of another zone are far and frequent.

3. I request that your Lordship will take an early opportunity of representing these considerations to the French Government and of urging them to yield and so bring about the early accession of the Netherlands to the Tangier Convention.

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 9903/17/28**] No. 49.

Mr. Austen Chamberlain to Sir C. Marling (The Hague).

(No. 526.)
Sir, *Foreign Office, November* 15, 1924.

AS you will have seen from the confidential print sections, the Netherlands Government have up to now subordinated their accession to the recent Tangier Convention to a satisfactory settlement of a difference with the French Government relating to the position of Netherlands protégés in Morocco.

2. The question at issue may be briefly stated as follows. The Netherlands Government have renounced their Capitulations in the French zone, and with them the right of protecting natives, but they still enjoy these rights in the Spanish and Tangier zones of Morocco. At present, therefore, a native who enjoys Dutch protection in the Spanish or Tangier zones is justiciable in the Dutch consular court both in the Spanish and Tangier zones. Now, article 13 of the Tangier Convention states that—

> "as a result of the establishment at Tangier of the Mixed Court, as provided in article 48, the Capitulations shall be abrogated in the zone. This abrogation shall entail the suppression of the system of protection. Moroccan subjects whose rights to protection shall have been previously recognised shall be personally and during their lifetime justiciable before the Mixed Court of Tangier."

The Netherlands Government pointed out with perfect justice that the wording of this article lacked clearness. It was a recognised principle in Morocco that a native who was justiciable before a European court in one zone was justiciable in the corresponding court in the other two zones. It was therefore desirable to define more clearly the position which would arise when the Tangier Convention came into force and to draw up an agreement in some form or other which would make it clear that Dutch protégés of the Spanish zone are to be justiciable at Tangier in the Mixed

* No. 49.

Court and in the French zone in the French courts, and, similarly, that Dutch ex-protégés of the Tangier zone shall be justiciable in the other two zones in the appropriate European court.

3. His Majesty's Government are in a slightly different position from the Netherlands Government, in that they have maintained their extra-territorial rights in the French zone of Morocco. Consequently, they have no need to consult the French Government regarding the position in the French zone of British protégés, since all these persons, from whatever zone they will come, will continue as before to be justiciable in the British consular courts. It is, however, clearly in the interest of Great Britain that British protégés of the Spanish and French zones shall be justiciable whilst at Tangier before the Mixed Tribunal, and not before the native courts. His Majesty's Ambassador at Paris was accordingly instructed to press the French Government to recognise the principle put forward by the Netherlands Government.

4. This principle, as has been explained above, involves no departure from the existing practice, and His Majesty's Government had no reason to expect that the French Government would raise objections. The latter, however, refuse to admit that protégés of the Spanish zone should be justiciable before either the Mixed Tribunal at Tangier or the French tribunals of the French zone, for the reason that the Shereefian Government are not a party to the revision of the lists of protection in the Spanish zone. On the other hand, they are prepared to concede that ex-protégés of the Tangier zone and protégés of the French zone whose claims to protection the Shereefian Government have examined and admitted should be justiciable in the French tribunals and the Tangier Mixed Tribunal respectively. This compromise is clearly quite inacceptable, inasmuch as the French Government are endeavouring to introduce without any justification a radical modification in the existing system of protection, and His Majesty's Government have every intention of pursuing the question to a satisfactory conclusion.

5. The Netherlands Government, on the other hand, seem rather in a dilemma as to what their next step should be, for the Netherlands Minister called yesterday to ascertain the attitude of His Majesty's Government. He said that his Government were anxious to know whether His Majesty's Government intended to press the matter, or to drop it and proceed with the application of the Tangier Convention. In the latter event, the Netherlands Government would endeavour to make a separate arrangement with the French Government. M. van Swinderen was informed that His Majesty's Government did not connect the question at issue with the application of the Tangier Convention. The fact that the French Government were seeking an excuse for placing protégés from the Spanish zone under a disability was no reason for delaying the entry into force of a convention which was designed to put an end to French encroachments at Tangier. His Majesty's Government proposed to proceed with the plan of bringing the Tangier Convention into force on the 1st December, and at the same time to continue vigorously to press their views on the French Government. It was surely in the interests of the Netherlands Government to adopt a similar course. M. van Swinderen replied that his Government proposed to use their accession to the Tangier Convention as a lever in order to secure a satisfactory solution of the difficulty. If they acceded now, they would be wantonly discarding the only weapon in their armoury.

6. This contention shows a complete misapprehension of the position. It is an illusion to suppose that the French Government are particularly anxious to secure either the early application of the Tangier Convention or the accession thereto of the Netherlands Government. So long as the present position at Tangier is maintained the predominance of France is secure. Similarly, when the convention comes into force on the 1st December, the French Government will have no interest in adding to the number of non-French members of the Tangier Assembly and the Committee of Control. It is to the interest of the other Powers that there should be as strong a muster as possible of those forces which were designed by the convention to ensure that no one Power should be predominant at Tangier. A reference to the text of the convention will illustrate the point. The Tangier Assembly is to consist of twenty-six members, of whom eleven will be French citizens or natives nominated by the French authorities. Unless the various signatories of the Act of Algeciras avail themselves of the right to representation in the Assembly, the French representatives must be in a permanent and absolute majority.

7. It is clearly in the best interests both of the Netherlands Government and of Tangier that the Assembly and the Committee of Control should enjoy the advantage of including a Netherlands representative, particularly during the critical initial

period which will see the birth of the new régime. His Majesty's Government earnestly hope that the Netherlands Government will appreciate the position and accede before the 1st December, leaving the subsidiary question of the position in the other zones of Dutch protégés from the Spanish zone to later negotiation. It may be observed incidentally that the status in the French zone of Dutch protégés from the Spanish zone is not affected in any way by the Tangier Convention.

8. The Netherlands Minister expressed himself as impressed with the force of these considerations, and undertook to recommend to his Government that they should accede to the Tangier Convention without further delay. In order to reinforce his recommendation, I request that you will seek an early interview with M. van Karnebeek and urge him, for the reasons set forth above, to accept M. van Swinderen's advice.

9. A copy of the correspondence on the subject which has passed between the Netherlands Minister, His Majesty's Ambassador at Paris and the Foreign Office is enclosed herewith for convenience of reference.*

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 4413/17/28**] No. 50.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 661.)

Sir, *Foreign Office, November* 26, 1924.

UNDER article 49 of the Tangier Convention the diplomatic agencies at Tangier will be replaced by consulates from the date of the entry into force of the convention. This provision involves, *inter alia*, a modification in the existing system of issuing certificates of protection to natives of Morocco.

2. Hitherto His Majesty's agent and consul-general at Tangier has signed and issued these certificates to natives of all three zones in accordance with the terms of the Béclard Agreement of 1863, and he has similarly been responsible for notifying the Shereefian Government of the intention of His Majesty's Government to grant special protection under article 16 of the Madrid Convention of 1880. On the abolition of the British diplomatic agencies at Tangier all matters connected with protection will be dealt with by the consular officers at Rabat and Tetuan for the French and Spanish zones respectively. Should it be decided to grant protection under article 16 of the Madrid Convention to a native of the Spanish zone, notification thereof will be made to the Spanish protectorate authorities by the British vice-consul at Tetuan.

3. I request that your Excellency will inform the Spanish Government of the above modification in the existing procedure.

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 4413/17/28**] No. 51.

Foreign Office to Consul-General Clive (Tangier).

(No. 492.)

Sir, *Foreign Office, November* 26, 1924.

WITH reference to Sir Malcolm Robertson's despatch No. 126 of the 18th May last, I am directed by Mr. Secretary Chamberlain to transmit herewith copies of despatches to His Majesty's Ambassadors at Paris and Madrid regarding the procedure to be followed in issuing certificates of protection in the French and Spanish zones after the entry into force of the Tangier Convention.

2. In view of the fact that the Sultan is the recognised Sovereign of the whole Empire of Morocco, it has been decided that His Majesty's consul-general at Rabat should notify the Shereefian Government of the intention of His Majesty's Government to grant special protection under article 16 of the Madrid Convention to a native of Morocco, wherever resident. Thus the grant of special protection to a native of the Spanish zone will be notified by His Majesty's consul-general at Rabat to the Shereefian

* Not printed.

Government and by the British vice-consul at Tetuan to the Government of the Spanish zone.

3. I am to request that you will communicate the substance of this despatch to the consular officers at Rabat and Tetuan.

I am, &c.
G. H. VILLIERS.

[W 4413/17/28] No. 52.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 3699.)
Foreign Office, November 26, 1924.

My Lord,

UNDER article 49 of the Tangier Convention the diplomatic agencies at Tangier will be replaced by consulates from the date of the entry into force of the convention. This provision involves, *inter alia*, a modification in the existing system of issuing certificates of protection to natives of Morocco.

2. Hitherto His Majesty's agent and consul-general at Tangier has signed and issued the certificates to natives of all three zones in accordance with the terms of the Béclard Agreement of 1863, and he has similarly been responsible for notifying the Shereefian Government of the intention of His Majesty's Government to grant special protection under article 16 of the Madrid Convention of 1880. On the abolition of the British diplomatic agencies at Tangier, all matters connected with protection will be dealt with by the consular officers at Rabat and Tetuan for the French and Spanish zones respectively.

3. In the event of a decision to grant protection under article 16 of the Madrid Convention, notification thereof will be made to the Shereefian Government by His Majesty's consul-general at Rabat.

4. I request that your Lordship will inform the French Government of the above modification of the existing procedure.

I am, &c.
AUSTEN CHAMBERLAIN.

(d.) Tangier Port.

[W 6043/17/28] No. 53.

Mr. Phipps to Mr. MacDonald.—(Received July 22.)

(No. 1584. Confidential.)
Paris, July 21, 1924.

Sir,

ON receipt of your despatch No. 2227 of the 10th July, enquiries were made at the office of the Société du Port de Tanger as to the position regarding the company's new share issue.

To-day the secretary-general of the company called at this Embassy and saw a member of the Embassy, to whom he gave the following particulars :—

The original 800 shares which formed the British quota of the capital of 2 million francs were held as follows :—

Mr. Walter Harris	686
Messrs. Ruffer and Sons, Tangier	26
Mr. Alwyn Parker	10
Mr. Abensur, of Tangier	78

The British proportion of the new issue consists of 2,200 shares, divided into 300 "A" and 1,900 "B" shares. The only distinction between the "A" and "B" shares is that each "A" share gives twenty votes at the general meeting, whereas a "B" share carries one vote only.

The original shareholders were informed by the company of the increase of capital and asked whether they desired to take up the new shares. The proportion of these

shares allocated to each of the original British shareholders in relation to their holding of original shares was calculated by the company as follows :—

	"A" Shares.	"B" Shares.
Mr. Harris	257	1,629
Mr. Ruffer	10	62
Mr. Parker	4	24
Mr. Abensur	29	185

The company's latest information is that Mr. Harris has taken 4 shares. He has not as yet specified whether he requires "A" or "B" shares, but it is supposed that he will more probably take "A" shares. He has also placed the following shares out of his quota : Mr. Waller, president of the British Chamber of Commerce at Tangier, 200 ; Mr. Gerhaty, agent of the P. and O. Company, Tangier, 5 shares. In neither of these cases is it specified whether "A" or "B" shares are taken. It appears from this, therefore, that 209 out of the 1,886 new shares allottable to Mr. Harris have been taken up. Of the other shareholders, Mr. Abensur has taken his full quota—namely, 29 "A" and 185 "B" shares. Neither Mr. Ruffer nor Mr. Parker have taken any new shares at all at present.

The secretary-general stated that this position had been represented by the company to the Quai d'Orsay about ten days ago, as the company were anxious to know whether His Majesty's Government desired the British quota to be maintained. The company had understood from the Quai d'Orsay that the matter had been taken up with His Majesty's Government. It is therefore possible that you may have been approached by the French Embassy. In any case, the company state that the issue will be placed before the public from the 1st until the 30th September next. They are most anxious to know before the end of August what the position as regards the British share is to be—that is to say, whether His Majesty's Government do in fact desire the British share to be maintained in British hands. As regards placing the issue before the public, the secretary-general of the company stated that a guarantee syndicate of French bankers had been formed, who will undertake to be responsible for any shares not bought up by the public. It was a question whether any British shares which had not been taken up should be available for this guarantee syndicate. Incidentally, he mentioned that about 90 per cent. of the French quota had already been placed. The company appear anxious that the British quota should be maintained.

I have, &c.
ERIC PHIPPS.

[W 7497/17/28] No. 54.

M. de Montille to Mr. MacDonald.—(Received September 5.)

Ambassade de France, Londres, le 4 septembre 1924.

M. le Secrétaire d'Etat,

CONFORMÉMENT aux conclusions du rapport des experts adjoints à la commission chargée d'élaborer le statut de Tanger, le naïb du Sultan en cette ville a notifié, le 31 juillet dernier, aux représentants des Puissances, l'augmentation jugée nécessaire des tarifs d'exploitation du port et, principalement, des taxes d'aconage.

Cette démarche a provoqué, de la part de l'agent diplomatique d'Italie à Tanger, une protestation écrite ci-jointe en copie.

De l'avis des autorités françaises au Maroc, l'article 97, paragraphe 2, de l'Acte d'Algésiras, sur lequel est basée la réclamation italienne, n'a pas à jouer en la circonstance ; le texte, en effet, ne donne aucun droit au Comité des Douanes d'intervenir dans la fixation des droits d'aconage.

En conséquence, le Gouvernement français suggère, pour le règlement de la question soulevée par M. Borghetti, une démarche concertée, que les trois Puissances signataires de la convention du 18 décembre 1923, qui ont déjà, en approuvant la concession du port de Tanger, accepté les relèvements de taxes dont il s'agit, feraient auprès des Gouvernements auxquels cette convention a été soumise aux fins d'adhésion.

Je serais reconnaissant à votre Excellence de bien vouloir me faire savoir si le Gouvernement britannique serait disposé à adopter cette procédure.

Veuillez, &c.
J. DE MONTILLE.

Enclosure in No. 54.

Protest by Italian Agent at Tangier.

J'AI l'honneur d'accuser réception de votre lettre en date du 27 Hidja 1342, correspondant au 30 juillet 1924, transmissive d'un arrêté portant nouvelle réorganisation des droits et taxes d'exploitation du port de Tanger, avant l'affichage public.

Cette nouvelle réorganisation comporte une augmentation des tarifs en vigueur appliqués au débarquement des voyageurs des marchandises et à leur embarquement.

Permettez-moi de vous rappeler qu'au mois de novembre 1922, vous avez informé cette agence diplomatique que le Makhzen avait jugé indispensable d'augmenter les tarifs d'aconage.

Cette agence avait fait, par sa lettre en date du 4 décembre 1922, les réserves nécessaires à ce sujet, car l'initiative de cette augmentation devait être prise par le Comité des Douanes, qui est chargé, conformément à l'article 97 de l'Acte d'Algésiras, du haut contrôle du Service des Douanes, y compris les opérations d'embarquement et de débarquement des marchandises. Le Makhzen avait, d'ailleurs, reconnu le bien-fondé de nos réserves et, par lettre en date du 2 Djoumada II 1341 (20 janvier 1923), vous avez fait part à cette agence de la décision du Gouvernement chérifien de ne pas modifier le tarif de l'aconage en vigueur, car il avait reconnu que la procédure prévue par l'article 97 de l'Acte d'Algésiras n'avait pas été suivie.

Comme il ne découle pas de votre lettre précitée que le Comité des Douanes ait été consulté, cette agence ne peut que renouveler les réserves faites par sa lettre du 4 décembre 1922, avant de prendre note de ce que vous avez écrit et en attendant les instructions que je demanderai à mon Gouvernement, bien que je sache que l'augmentation des tarifs en question serait peut-être indispensable.

BORGHETTI.

Le 6 avril 1924.

[**W 7497/17/28**] No. 55.

Mr. MacDonald to Sir C. Marling (The Hague), No. 445; Sir G. Grahame (Brussels), No. 1313; Sir L. Carnegie (Lisbon), No. 307; Sir R. Graham (Rome), No. 1328; and Sir G. Howard (Washington), No. 1476, mutatis mutandis.

THE Governments of the three Powers signatories of the Tangier Convention have had under consideration the question of enabling the International Company for the Development of Tangier to increase the local port charges.

2. It has been generally admitted for some time that an increase in these dues is essential to the prosperity of the port; it is only when the attempt is made to introduce the change that difficulties arise. In November 1922 the representative of the Sultan at Tangier informed the Diplomatic Body that the Shereefian Government had decided to increase the lighterage tariff as from the 1st December, 1922, in order to meet a deficit in the working of the port. This announcement provoked an almost general protest. The Belgian and Italian Governments took the line that the Comité des Douanes should have been consulted in accordance with the terms of article 97 of the Act of Algeciras, which reads as follows:—

> "A permanent committee, styled the 'Customs Committee,' shall be organised at Tangier and appointed for a term of three years. It shall consist of a special commissioner of his Shereefian Majesty, of a member of the Diplomatic Body at Tangier and of a delegate of the State bank. The committee may add to its number one or several representatives of the customs administration, with a consultative voice.
>
> "This committee shall watch over the proper working of the customs administration, and shall have power to propose to his Shereefian Majesty such measures as would, in their opinion, tend to improve the service and to assure the regularity and proper control of the transactions and charges (landing, loading, land transport, handling, import and export of goods, warehousing, valuation, payment and collection of duties). The rights stipulated for in favour of the bondholders by articles 15 and 16 of the loan contract of the 12th June, 1904, shall be in no way impaired by the establishment of the 'Customs Committee.'

> "Detailed provision as to the application of article 96 and of the present article shall be made by means of instructions to be drawn up by the Customs Committee and the services interested; such instructions shall be submitted to the Diplomatic Body for their opinion."

His Majesty's Government did not share that view. They interpreted the article as merely empowering the Customs Committee to propose to the Sultan such measures as might improve the customs service, and to assure the regularity and proper control of its transactions and charges. In other words, the committee, whilst it had the right to supervise the handling of goods and the collection of dues, had no power under the article to fix or modify the actual charges for the lighterage service.

3. His Majesty's Government decided, however, to formulate a protest to the French Government on the ground that the proposal to increase the dues without their consent constituted a clear violation of the Anglo-Moroccan Commercial Treaty of 1856, article 11 (paragraph 2) of which runs:—

> "The charges now paid for lighterage at the different ports shall not be augmented, and the administrators of customs at each port in Morocco shall deliver to the British vice-consul a tariff of the charges now demanded for lighterage."

The United States, who, amongst other Powers, including Italy and Belgium, enjoy most-favoured-nation treatment in Morocco, followed the example of His Majesty's Government and based their protest not on the Act of Algeciras, but on the Anglo-Moroccan Treaty of 1856. So far as is known, neither the Netherlands nor the Portuguese Government associated themselves with either protest.

4. In the face of the attitude of the Powers, the Makhzen withdrew the proposal and the matter was dropped. It was not raised again until December 1923, when a British, French and Spanish committee of experts reported on the harbour concession granted by the Sultan in 1921 to the International Company for the Development of Tangier, and recommended, *inter alia*, that the port dues should be increased. The report of the experts was submitted by the French Government to the British and Spanish Governments, who recorded their approval in an exchange of notes.

5. As the French Government had been careful to procure the assent of the two last-named Governments, it was assumed that, in the light of their former experience, they would adopt a similar course in regard to the other signatories of the Act of Algeciras. Unfortunately, they did not, but contented themselves with arranging for the Sultan's representative at Tangier to notify the foreign representatives that the port tariff would be increased as from the 1st September last. In a note, of which a copy is enclosed herewith,* the French Government state that the action of the Sultan's representative has given rise to a protest from the Italian agent at Tangier, and they suggest that the British, French and Spanish Governments should take concerted steps to induce the Powers to agree to the proposed increase.

6. His Majesty's Government are ready to comply with this suggestion, and I accordingly request that you will concert with your French and Spanish colleagues in inviting the assent of the Government to which you are accredited. You should explain that, apart from the fact that in their view, as explained above, the Customs Committee has no *locus standi*, His Majesty's Government are persuaded that the time has come when the proposed increase, on which the prosperity of the port depends, can no longer be deferred. They trust, therefore, that the Government to which you are accredited will co-operate in bringing about the early adoption of a measure which can only be to the advantage of every country with interests at Tangier.

I am, &c.

J. RAMSAY MacDONALD.

[**W 9158/17/28**] No. 56.

Consul-General Clive to Mr. MacDonald.—(Received October 21.)

(No. 329.)

Sir, *Tangier, October 17, 1924.*

IN his telegram No. 33 of the 27th August, Mr. Codrington pointed out that the delay in the application of the new tariff of port charges would involve loss to the Tangier Port Company, the financial success of which is so closely bound up with that of the new municipal régime; later, in his despatch No. 248 of the 2nd September, he

* No. 54.

drew attention to the fact that neither the details of the tariff, nor the decision to apply it, nor, again, the subsequent decision to delay its application, had been submitted to the Port Commission provided for in M. de Montille's note of the 26th December last, and added that that body had not, so far, been constituted for any purpose whatever. The Port Company have now submitted to M. Connan, acting engineer-in-chief of Public Works, as representing the Makhzen, their accounts for August, the first month of their management of the port. Mr. Dicken has had an opportunity of discussing these accounts with M. Connan, and I have the honour to transmit herewith copy of a letter and enclosure which he has addressed to me on this subject.

You will observe that these accounts disclose a loss for the month of August of no less than 210,147 fr. 23 c., and that M. Connan calculates that of this sum 81,188 fr. 96 c. are attributable to the fact that the new port tariff which the company had been led to suppose would be applied, has not in fact been in force. The necessity for obtaining the agreement of the non-signatory Powers to the new scale of charges is therefore a matter of urgency, and I trust that it may not be long before their approval is obtained.

The demand which Mr. Dicken states has been made by the president of the Port Company, that the loss due to the non-application of the new scale of charges should be refunded to the company in monthly payments, is hardly to be wondered at; but I see no reason why His Majesty's Government should consent to these sums being debited to the new administration. In the first place, the question of the application of the new tariff, and the subsequent postponement, was never submitted to the temporary Port Commission provided for in M. Montille's note, though Mr. Codrington, when he was at Rabat with Mr. Dicken on the 4th August, drew the special attention of the acting head of the Cabinet diplomatique to the existence of this note. He also informs me that, in the course of conversations with the French consul-general, he commented on the fact that the provisional commission had not been called together; thus the body which was provided for to act in a sense as a trustee of the future administration, not having even been called into being, has had no opportunity of submitting the company's accounts to expert examination. It could therefore hardly be maintained that the future municipality should suffer for the losses which have been incurred while the enterprise has been under the sole control of the French protectorate, and no one in Tangier, apart from French protectorate officials, have ever had a word to say in the matter.

In conclusion, I would point out that, should the temporary Port Commission be convoked—which I consider even at this late hour is most desirable—the work which would fall to them of auditing the accounts of the company and scrutinising their methods of management would be of a highly technical nature. As the representative of this consulate-general, it would undoubtedly be best to employ an auditor or trained accountant, as it seems inconceivable that the present expenses of this most inadequate little port can with reasonable economy be justified. I should be glad to know, however, whether, provided the French do not raise insuperable objections to the British representative on this commission being a professional accountant, you would be prepared to sanction the expenditure involved. Failing that, I see no alternative but to enlist the services of the best qualified amateur I could find locally.

In any case, if there is any question of the monthly deficit from the 1st August being made a charge to the future municipal administration of Tangier, I can only record my opinion that it is essential that the Port Commission be immediately called into being and allowed all facilities for the fullest enquiry.

I have, &c.
R. H. CLIVE.

Enclosure 1 in No. 56.

Mr. Dicken to Consul-General Clive.

Tangier, October 15, 1924.

Dear Clive,

I ENCLOSE a memorandum for your information on the working of the Port Company and the claim they have made as regards their present losses. It would, it seems, be advisable to have the Port Commission constituted at an early date, before decisions may be taken elsewhere which might affect us badly. It is the greatest pity that neither the French consul-general nor the administrator have thought it worth while to be here yet. I suppose they must come in a few days, but I have no news.

Is there any news of the Comptable affair yet?

Yours very sincerely,
C. V. DICKEN.

Enclosure 2 in No. 56.

Memorandum.

(Confidential.)

THE accounts of the Port Company for the month of August have been examined by M. Connan, acting for the chief engineer, Public Works (see article 29 of the "cahier des charges").

He has informed me of the result of his examination, and I have discussed the figures with him; he has also reported to the authorities of the French protectorate.

He has not yet received the September figures.

The enclosure gives in brief the accounts of August.

An examination of these accounts discloses the loss for the month amounts to 282,817 fr. 92 c. less 72,670 fr. 69 c. = 210,147 fr. 23 c. According to articles 5, 7 and 10 of the concession, this loss, supported by the Port Society, is to be carried to a "compte d'attente," eventually to be paid off when there are any profits.

Now this loss may be divided into two parts:—

(*a.*) That due to the non-application of the new charges.
(*b.*) What might be called "normal loss."

It is the part (*a*) that M. Connan referred to when he told me verbally (and I mentioned to you) that the port was making a monthly loss of 80,000 fr. This figure has been arrived at by calculating the amounts which would have been collected had the new rates been in force, *i.e.*, 142,739 fr. 75 c., and subtracting the amounts actually collected, *i.e.*, 61,550 fr. 79 c.—difference 81,188 fr. 96 c.

I am informed that the president of the Port Company has addressed a demand to the protectorate that he estimates a loss of 1,000,000 fr. a year on the "exploitation provisoire" of the port (and by comparison with the above figure, calculated by M. Connan, his estimate on this count appears the same), and claims that since this loss is due to the non-application of the charges promulgated by "arrêté" that it should be refunded to the company in monthly payments.

I need hardly point out how this would burden the budget of the Tangier zone should it be called upon to support this additional charge due to causes outside its control.

The protectorate authorities have asked for a note on the figures from the Public Works Department here, which has been sent by M. Connan, and of which he has kindly shown me a copy. As far as he knows, the protectorate has not yet taken any further action.

Enclosure 3 in No. 56.

Port Company Accounts, August 1924.

Receipts.	Fr.	c.	Expenses.	Fr.	c.
"En caisse," July 31	5,077	75	Establishment (superstructure, purchase of three boats)	105,000	00
"Exploitation provisoire"	61,550	79	"Exploitation provisoire" (personnel, general expenses)	105,996	37
Receipts of workshops	4,994	60	"Siège social" (divers)	30,500	00
Drawn on "Crédit foncier"	211,194	78	Establishment (infrastructure) ..	2,684	10
			Purchase (coal, &c.)	22,626	50
			Workshops (wages, &c.)	14,649	70
			Purchase (furniture)	313	70
			"En caisse," September 1	1,047	55
Total	282,817	92	Total	282,817	92

[W 9158/17/28] No. 57.

Mr. MacDonald to Count de Saint-Aulaire.

Your Excellency, *Foreign Office, October* 23, 1924.

IN my note of the 19th ultimo I notified M. de Montille that in compliance with the request of the French Government the British representatives in the capitals concerned were being instructed to concert with their French and Spanish colleagues

in obtaining the consent of the other signatories of the Act of Algeciras to an increase in the Tangier port dues.

2. His Majesty's representatives at Brussels, Lisbon, The Hague, and Washington have replied that they are unable to act for the reason that their French and Spanish colleagues are without instructions. The Spanish representative at Rome is apparently also without instructions. In the meantime, a report has been received from His Majesty's consul-general at Tangier to the effect that the maintenance of the existing scale of port charges is causing the port company a loss of about 80,000 fr. a month. It is consequently a matter of the utmost urgency that the consent of the other signatories of the Act of Algeciras to an increase in the port dues should be obtained without delay. His Majesty's Government would be glad to learn that the necessary instructions have been sent to the French representatives concerned, and they would suggest that the latter be authorised to act if necessary in concert with their British colleagues alone, if it turns out that their Spanish colleagues are still without instructions.

I have, &c.
J. RAMSAY MACDONALD.

[**W 9479/17/28**] No. 58.

Count de Saint-Aulaire to Mr. MacDonald.—(*Received November* 3.)

Ambassade de France, Londres,
le 24 octobre 1924.

M. le Secrétaire d'État,

ME référant à mes précédentes communications et à la lettre que vous avez bien voulu m'adresser le 23 juillet dernier, j'ai l'honneur de vous signaler que la Société du Port de Tanger a fait savoir au Gouvernement français que les actionnaires anglais de la société devraient, pour exercer leurs droits, souscrire encore 1511 actions (B) dans le capital nouveau de la société.

J'ai été chargé de porter cette indication à la connaissance de votre Excellence et de lui demander si elle n'estime pas qu'il serait difficile de maintenir dans le Conseil d'Administration de la société deux administrateurs anglais, si les capitaux britanniques ne prenaient pas un intérêt plus actif à l'augmentation du capital de la société.

Veuillez agréer, &c.
SAINT-AULAIRE.

[**W 9479/17/28**] No. 59.

Mr. Austen Chamberlain to Sir H. Rumbold (*Madrid*).

(No. 625.)

Sir,

Foreign Office, November 8, 1924.

THE question of British participation in the Société internationale du Port de Tangier has been under consideration.

2. When the company was formed in 1914 the total capital holding was fixed at 2,000,000 fr., allotted in the following proportion to the various participating countries: France, 30 per cent.; Spain, Great Britain and Germany, each 20 per cent.; other Powers, 10 per cent. in all. Representation on the board of directors was in proportion to the capital holding. Thus, France was represented by three directors and Great Britain by two. An exception was made in the case of Spain in order to meet dissatisfaction at the relatively small proportion of the Spanish capital holding and it was decided to appoint three Spanish directors without any increase of the Spanish holding.

3. The concession for the construction of a port at Tangier, granted in 1921 by the Sultan of Morocco, was examined and revised by a committee of British, French and Spanish experts during the Tangier Conference in Paris. It was agreed *inter alia* to increase the international company's share capital from 2,000,000 fr. to 7,500,000 fr., the proportionate holdings and the representation on the board of the various Powers remaining unaltered. Thus, the British holding of 20 per cent. of the total share capital was brought up from 800 to 3,000 shares of 500 fr. each, and two British directors were maintained on the board.

4. Although the original British holding of 800 shares was fully taken up in 1914, it has unfortunately proved impossible to dispose of the British quota of the

new issue. Of the 2,200 shares only 689 have been subscribed, and enquiries show that there is no likelihood that the balance of 1,511 shares can be placed in this country. The French Ambassador has drawn my attention to the position and has enquired whether it would not be equitable to reduce the number of British directors unless British capital is prepared to take a more active interest in the company.

5. Before replying to the French Ambassador, it would be useful to learn the attitude of the Spanish Government. At the Tangier Conference the Spanish delegates laid great stress on the desire of their Government to maintain the international character of the port and they even offered on behalf of Spain to take over from the Shereefian Government the obligation of guaranteeing the interest on the port company's 35,000,000 fr. bond issue. The offer was not accepted, but the attitude of the Spanish delegates justified the expectation that the Spanish Government would ensure that the Spanish quota of the share capital was taken up. There is, however, reason to believe that not one single share of the Spanish quota has been disposed of and that the French Government are likely to demand a reduction in the number of Spanish directors. If that be so, there seems to be an imminent danger that, unless some reasonable ground can be found for resisting the French Government's demands, the outstanding British and Spanish shares will be taken up in France and the so-called international company will fall completely under French control.

6. I request that your Excellency will discuss the question with the Spanish Government and ascertain what prospect there is of disposing of the Spanish quota and what view they take of the French proposal that representation on the board of directors should be made proportionate to the capital holdings of the Powers.

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 10207/17/28**] No. 60.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received November* 25.)

(No. 593.)

Sir,

Madrid, November 18, 1924.

IN accordance with the instructions contained in your despatch No. 625 of the 8th instant, I discussed with the Acting President of the Directorate yesterday the question of the Port of Tangier. Admiral Magaz said that he could give me a categorical answer on two points, viz.:—

(1.) That the Spanish Government were firmly of the opinion that the international character of the port must be maintained.

(2.) That they were also in favour of the maintenance of the present Spanish representation on the Board of Directors without reference to the capital holding, if any, of Spain.

2. The admiral stated that he could not for the moment tell me what prospect there was of the Spanish Government being able to dispose of their quota of shares. He would go into the question immediately and let me have an answer on the subject as soon as possible. He added that he understood that there were two persons who were likely to take up some of the Spanish quota. He thought, however, that these two persons were not in Spain at the present time.

3. He said that the French Ambassador had not yet made a *démarche* similar to that made by the French Ambassador in London in regard to this question.

I have, &c.
HORACE RUMBOLD.

CHAPTER II.—FRENCH ZONE.

[W 7225/1169/28] No. 61.

Colonial Office to Foreign Office.—(Received August 29.)

Sir, *Downing Street, August 28, 1924.*

WITH further reference to your letter of the 11th June, I am directed to request you to be so good as to inform Mr. Secretary Ramsay MacDonald that the Secretary of State fully agrees with him in thinking that the question of the extinction of French treaty rights in Zanzibar might well be raised with the French Government in connection with their demand for the surrender of British capitulatory rights in the French protectorate in Morocco. Mr. MacDonald is aware that under article 3 of the convention between Great Britain and Italy as to Jubaland, which is now awaiting ratification, the corresponding treaty rights of Italy in Zanzibar are cancelled and the provisions of the Convention of Saint-Germain-en-Laye of the 10th September, 1919, are generally substituted. If an arrangement is come to with the French Government it would presumably follow the same lines

2. I am also to refer to the correspondence which ended with the letter from this Office of the 14th May in regard to the question of the treatment of British subjects of Asiatic race by the French authorities at Saigon, and to enquire whether Mr. MacDonald thinks it worth while to make use of this opportunity to press the matter further upon the French Government

3. It is mentioned in your letter that the question of securing more equitable tariff treatment in France for British colonial produce—such as tanning extract—might be considered in this connection. The views of the Board of Trade will no doubt be sought upon this suggestion. If it is thought possible to take up the general tariff question with the French Government in this connection, it is thought that this might be a suitable opportunity to take up also the question of inducing the French Government to agree to an extension of article 9 of the Anglo-French Convention of the 14th June, 1898. As Mr. MacDonald is aware, that article can be denounced at any time, so as to expire on the 13th June, 1829; and after the 13th June, 1928, either Power can give twelve months' notice to bring it to an end. It is presumed that in any case the question of obtaining a definite extension of the term of this article would soon be engaging the attention of the Foreign Office and the Board of Trade. The advantages of the article to British trade in the Ivory Coast and Dahomey are believed to be considerable, whilst the restriction on the imposition of differential import duties by Nigeria and the Gold Coast is not disadvantageous to these Administrations. On the other hand, as it would not be the Governments of the Gold Coast and Nigeria, but the British trader, who would reap the advantage of the continuance in force of the article, it is rather for the Board of Trade than for the Secretary of State for the Colonies to put the suggestion forward.

4. The Secretary of State has no further suggestions to make on behalf of the colonies not possessing responsible government and the protectorates.

I am, &c.
H. J. READ.

[W 9799/7807/28] No. 62.

Consul-General Clive to Mr. MacDonald.—(Received November 12.)

(No. 345.)
Sir, *Tangier, October 28, 1924.*

I HAVE the honour to transmit herewith copy of a despatch—No. 72 of the 16th instant—received from His Majesty's consul-general at Rabat, recording the circumstances of his arrival and assumption of his duties at Rabat.

With regard to M. de Sorbier's remarks about the comparative unimportance of a knowledge of Arabic, it may be interesting to note that in a recent conversation with Mr. Codrington in connection with the French administration of Morocco he adopted a very different attitude, and stated that he attached great importance to a knowledge of Arabic, and that he obliged all "contrôleurs civils" to learn it.

The views now expressed by M. de Sorbier to Mr. Ryan are not, I am told, surprising, as the protectorate authorities are extremely jealous and suspicious of the knowledge of Arabic possessed by His Majesty's consular officers and most British residents in Morocco, and they would no doubt prefer that British residents, official or unofficial, should be entirely out of touch with the Moors, who would then obtain contact with Europeans and European ideas solely through the medium of the French language and French-Algerian interpreters or officials.

I have, &c.
R. H. CLIVE.

Enclosure in No. 62.

Consul-General Ryan to Consul-General Clive.

(No. 72.)
Sir, *Rabat, October 16, 1924.*

AS my assumption of the duties of consul-general here forms part of the inauguration of a new era in British relations with Morocco, it may be of interest to record the circumstances of my arrival.

2. I was fortunate in taking over from Mr. Lomas, who had established relations of cordiality and in many cases intimacy with the French authorities here. The position which he made for himself was due not merely to the length of his stay, but to his tact, his suavity and his admirable command of the French language. He was greatly appreciated by Marshal Lyautey, who, in reply to a farewell telegram from Mr. Lomas, sent him a personal message couched in terms of unmistakable friendship and obviously genuine regret at his departure.

3. On the 7th October Mr. Lomas presented me to the principal French personages, including M. Urbain Blanc, the "Minister Plenipotentiary Delegate," Marshal Lyautey's second in command on the civil side. M. Blanc was extremely genial, and went rather out of his way to emphasise his eagerness to present me to the Sultan, an occasion for which would be offered by the celebration of the Mouloud, or Birthday of the Prophet. He talked at great length and very interestingly on other subjects. He expatiated more particularly on the wisdom of Marshal Lyautey in making Rabat the capital of the protectorate. He did not confine himself to the usual and apparently very sound argument that Rabat is excellently situated for communication with all parts of Morocco, yet removed from the small daily worries which would beset a central administration in a large commercial place like Casablanca. He went on to say, more surprisingly, that Casablanca must become a rallying-point for disaffection, which would be less dangerous if it developed in a place where no direct clash with the French headquarters administration would be involved, and that Casablanca was, moreover, destined to become a Moorish town—would, in fact, be entirely Moorish in fifty years from now. The natives were attracted thither by commercial opportunities and by the ease with which the strict practice of Islam could be evaded there. The French might build European quarters, but the Moors were already outflanking them by the creation of new native quarters

4. These observations could not fail to strike one who had been impressed, as I had been during a very short stay, with the enormous effort to develop Casablanca on French lines. They astonished Mr. Lomas, with his long experience of Morocco, no less than myself. Whether well- or ill-founded they are an interesting complement to certain remarks which I have seen attributed to Marshal Lyautey to the effect that a time is coming when France will have to establish her relations with Morocco on a basis not of protection but of close co-operation between independent States.

5. I also saw M. de Sorbier, the redoubtable secretary-general. He was very amiable, as I understand he habitually is in social relations, though obstructive in affairs. What struck me most in his conversation was the emphasis with which he pooh-poohed the study of Arabic. The effort of learning it was, he said, out of all proportion to its utility. When I observed that it was at least useful to be able to talk it to servants, he said that his servants must learn French, not he Arabic, and that was that. There is a great deal in what M. de Sorbier said as to the greatness of the effort required to learn such a language relatively to its usefulness, but the determination with which he expressed his view was an instructive sidelight on the attitude of the higher French officials. However good their reasons, they must cut themselves off from much that would be illuminating. I myself, for instance, have assisted at a conversation between Mr. Lomas and a Moor, which I should have

given a good deal to be able to understand. The conversation having turned on the Caliphate, the Moor gently scouted, without denying outright, the claims of the Sultan of Morocco, and spoke spontaneously of Mustafa Kemal Pasha as the "big noise" (if I may so paraphrase it) of Islam. He would not call Mustafa Kemal Caliph, but he made it clear that, in his opinion, the pasha, as the wielder of effective force, came as near the position as made very little difference.

6. On the 13th October a member of the Cabinet diplomatique collected the Argentine consul-general, who still lives at Casablanca, but had come over specially, the Belgian consul-general, M. Bernard and myself, and took us to the palace for the Mouloud reception. After traversing the substitute for a park which lies between the town and the palace, arid but alive with picturesque people, we were ushered into the courtyard of the palace. There we found a miscellaneous crowd of privileged persons, largely French, and, after a short visit, we followed M. Blanc up a steep stair to the throne room, where the Sultan awaited his visitors, seated and attended by the dignitaries of his court. M. Blanc, standing like everybody else, presented a letter from the President of the Republic, apparently announcing M. Doumergue's accession to that high office, read a message from Marshal Lyautey and added his personal congratulations He then introduced the Argentine consul-general, the Belgian consul-general, myself and Mr. Stonehewer Bird—in that order.

7. To each of us the Sultan addressed a few conventional questions and good wishes. When M. Núñez Astorga, the Argentinian, was introduced, M. Blanc bade the interpreter tell the Sultan where the Argentine was. A moment later he asked him to explain to the Sultan that M. Astorga, "like the others," had come to Rabat because of the suppression of the Legations at Tangier. This remark, audible throughout the room, discomposed my Belgian colleague, who said to me in an aside: "He must not say that to *me*"; but was not afforded any opportunity of protesting openly. The Sultan spoke to M. Bernard with effusion about the King and Queen of the Belgians, who had visited his country, and asked him to telegraph a message of greeting. In his short conversation with me he enquired after the King and Queen, and expressed satisfaction when I said that their Majesties were in perfect health.

8. It is worth mentioning that the Italian consul-general, who also remains at Casablanca for the time being, did not come over, and M. Tonci, the vice-consul, who is keeping his place warm for him here, absented himself from Rabat for the week-end.

9. M. Blanc next introduced to the Sultan a number of French officials, mostly magistrates and other civilians, who came forward with great decorum, but very oddly attired for such an occasion. Lounge suits, some of them very light in colour, and straw hats abounded. The final presentation was that of the wealthy Mr. Vanderbilt and his companions on a yachting excursion. These gentlemen emulated in their dress the republican simplicity of the minor French officials; nor were they left far behind in this respect by my Argentinian colleague, who came to the reception in a morning-coat and a bowler hat. M. Bernard, Mr. Bird and myself wore uniform, as did some of the French officials of the Residency-General.

10. Throughout these proceedings the Sultan wore a genial, if somewhat stereotyped smile. It showed up the thickness of his lips, which, with other facial characteristics, suggests a considerable admixture of negro blood in the recent stages of His Majesty's descent from the Prophet.

11. We afterwards left the palace for a tent in the outer park, to which the Sultan presently repaired on a stout and well-trained horse, shaded by the traditional umbrella, to receive the homage and gifts of the tribal chiefs and high officers from the interior. He was followed by an empty State coach, small, but richly coloured, drawn by a single scraggy horse. Notwithstanding the meanness of some of the appurtenances, it was most impressive to watch the provincials as they called aloud their allegiance and prostrated themselves, very literally in the dust, while the Sultan moved slowly forward, immobile on his steed.

12. It would be out of place to indulge in any further description of this occasion, with its wealth of colour and movement and the continuous accompaniment of squibs and firing. I trust, however, that this despatch as a whole may not be without interest as a general account of the setting in which the newly-appointed consuls-general at Rabat start on their task in the French protectorate It will have been observed that our number is still small. It is curious that the senior consul-general should be the representative of the Argentine Republic, which has few interests in Morocco. It has been suggested to me that it was more a question of finding a post for M. Núñez Astorga, who, incidentally, speaks neither French nor English, than an incumbent for a necessary post. M. Bernard, the Belgian, who comes next, is a quite

junior official, recently consul at Casablanca and formerly a member of the Belgian Embassy in London. He and I are the only consuls-general who have as yet taken up our residence in Rabat. M. Tonci, the Italian vice-consul, is in an indeterminate position, as his chief at Casablanca has apparently been appointed to the post here, but his exequatur has not been applied for. The Spanish consul is away on leave. There is also a Dutch consular agent whom I have not yet met.

I have, &c.
ANDREW RYAN.

P.S.—Since writing paragraph 9 above I have ascertained that the Italian vice-consul, M. Tonci, returned to Rabat before the Mouloud ceremony, but was "indisposed" that afternoon. He completely recovered next day. He had been asked to be present in M. Urbain Blanc's tent, but not at the presentation to the Sultan. I mention this little piece of by-play, without going into its even more trivial details, because it is pretty clear that both French and Italians were influenced by the attitude of Italy in regard to the Tangier Convention.

A. R.

[**W 9600/9600/28**] No. 63.

Foreign Office to Consul-General Clive (*Tangier*).

(No. 523.)

Sir, *Foreign Office, December* 12, 1924.

CAREFUL consideration has been given to Mr. Selous's despatch No. 34 of the 30th October last, enquiring whether natives of British-protected States and of British mandated territories are amenable in the French zone of Morocco to British extra-territorial jurisdiction.

2. British extra-territorial jurisdiction in Morocco has its origin in the treaty between Great Britain and Morocco of 1856, the terms of which, in themselves scarcely support the view that natives of States under British protection are amenable to British consular jurisdiction. On the other hand, the attitude of His Majesty's Government in the past has been generally favourable to a broad interpretation of such treaties. In 1893, after consultation with the Law Officers of the Crown, a circular was issued by the Foreign Office respecting the right of natives of States under British protection and natives of a British sphere of influence to claim the assistance and protection of a British diplomatic or consular officer. It was laid down therein that—

> "the natives of a foreign State which is under British protection and the conduct of whose foreign relations is under the control of Her Majesty's Government, are considered by Her Majesty's Government to be entitled to be considered British-protected persons for the purposes of civil and criminal jurisdiction in countries, other than their native country, where Her Majesty has and exercises extra-territorial jurisdiction, except in so far as such jurisdiction depends upon treaty or capitulation referring only to British subjects."

It was added that this pronouncement applied equally—

> "to the case of natives of a British sphere of influence with this modification, that Her Majesty's Government cannot, as of right, claim to represent such a native at all in the case of a question arising with any Power which has not by treaty or agreement recognised the said sphere of influence."

3. British extra-territorial jurisdiction in the Ottoman dominions was derived from the Capitulations in which the term employed is "the English" or "an Englishman." In 1904 the question arose of the status in the Ottoman dominions of subjects of the native States of India. A memorandum on the subject, of which a copy is enclosed herewith,* was prepared in the Foreign Office and referred to the Law Officers.

4. In consequence of the Law Officers' report two circulars were issued by the Foreign Office. The first, addressed to His Majesty's representatives and consular officers abroad, stated:—

> "His Majesty's Government consider that the same measure of protection may properly be extended to British-protected persons abroad as to British subjects, except in so far as the right or power to exercise such protection

* Not printed.

depends upon a treaty, agreement or statutory enactment, which excludes, or cannot be construed as including, such 'protected persons.' When the whole control of the foreign relations of a State has been assumed by His Majesty's Government, it is apparent that the duty of protecting the natives or subjects of that State in other countries must also be assumed. What measure of protection can be given must depend upon the extent of the jurisdiction enjoyed by His Majesty's Government in the country where the protection is desired. It is only where that jurisdiction is confined to those who are, in the strict technical sense of our municipal law, British subjects, that it cannot be exercised in respect of protected persons."

The second, addressed to His Majesty's representatives and consular officers in the Ottoman dominions only, stated :—

"There appears to be nothing in the Capitulations to prevent the Secretary of State from placing British-protected persons on the same footing in the Ottoman dominions as British subjects in the matter of protection and jurisdiction, and His Majesty's Government hold the view that the Ottoman Order in Council of 1899, in its definition of 'British subject,' plainly asserts this right, which, moreover, has not been disputed by the Porte."

5. Again, in 1906, the general question was touched on in a reference to the Law Officers on a specific point, of which the following are the material passages :—

"The extra-territorial rights of this country in China depend on the 15th, 16th and 17th articles of the Treaty of Tien-tsin, in all of which the words used are 'British subjects.' These articles have never been construed as applying only to those who are British subjects in the strict and limited sense of the term, *i.e.*, to such persons only as would, for instance, in this country, be entitled to exercise the parliamentary franchise or to own a British ship. It has always been interpreted as applying to all British-protected persons, such an interpretation is in accordance with the tenour of 'The China and Corea Order in Council, 1904,' where 'British subject' is defined to include British-protected person, nor has it ever been contested by the Chinese Government.

"There is no exhaustive definition of the words 'British-protected person.' By statute it includes all subjects of the native States in India (53 and 54 Vict., cap. 37, sec. 15), and by usage it covers all the inhabitants of British protectorates and other territories which are technically not part of the 'British dominions,' though in substance they are to be regarded as appanages of the British Empire.

"In reality, the term 'British-protected person' covers every one who, with the sanction of the Secretary of State, enjoys British protection; and the limitations on the power of the Secretary of State to grant British protection are imposed, not by the legislative enactments of Parliament, but by international comity, and, in extra-territorial jurisdiction, by the terms of the treaty or capitulation under which that jurisdiction is exercised, and the Capitulations under which British jurisdiction is exercised in Turkey are dated 1675, and use only the terms 'Englishmen' or 'the English'; their language does not in any way limit the privileges conferred to those who are British subjects in the technical sense."

6. On the basis of the general principles set forth above, His Majesty's Government would be entitled to claim that British-protected persons in Morocco were subject to the jurisdiction of the consular limits, but practice and precedent must, to some extent, be taken into account. If British jurisdiction in Morocco has been confined in practice to the three classes mentioned in article 2 of Mr. Selous's despatch, it would be difficult for His Majesty's Government to claim the extension of extra-territorial privileges to other classes, except possibly to inhabitants of mandated territories, who form a new class, and whose protection abroad by the mandatory Power is specifically provided for in the mandates. If, on the other hand, it has been the practice, without objection from the local authorities, to treat all British-protected persons as subject to British jurisdiction in Morocco, His Majesty's Government may claim that the practice should continue.

7. No information is available in this Department as to the local usage in Morocco, and I am to request that you will furnish me, if you are able, with a report on the subject.

I am, &c.
R. H. CAMPBELL.

CHAPTER III.—SPANISH ZONE.

(a.) Military Operations.

[W 5850/783/28] No. 64.

Mr. Codrington to Mr. MacDonald.—(Received July 15.)

(No. 188.)
Sir, *Tangier, July 12, 1924.*

WITH reference to my despatch No. 185 of the 9th instant, I have the honour to transmit herewith copy of a despatch addressed to me by the acting vice-consul at Tetuan dealing with the recent operations in the Spanish zone of Morocco.

2. It is now possible to form a more or less clear idea of the course of these events and of their scope and importance.

3. It may be said at once that the gravity of the position was considerably exaggerated from the outset. One is generally prepared to discount considerably native tales of Spanish objects; but anything so unusual as a frankly pessimistic Spanish communiqué seems to justify the worst forebodings. It is probable, however, that this unaccustomed excursion into veracity covers no deeper design on the part of the Directory than a desire to take the country fully into its confidence.

4. The Spanish system of dotting isolated blockhouses about an exceedingly mountainous and difficult terrain must of necessity expose the unfortunate garrisons to considerable tribulations whenever the enemy, mobile to a degree, summons up sufficient energy to set about their isolation or destruction. The present events are merely a repetition on a larger scale, and with a slight change in the composition of the enemy forces, of the unending attacks of last year on convoys supplying posts in the Melilla sector. In the present instance the Riffians had the assistance of large numbers of Ghomara and other semi-pacified and supposedly pacified tribes than ever before, with the consequence that they were able to capture several minor Spanish posts. But everything now points to a rapid re-establishment of the Spanish line on the Wad Lau, and to the melting away of the enemy forces; their first access of energy being exhausted, in the manner hallowed by age-long tribal custom. Therefore we must look for a renewal of the progression which has become so familiar in the past few years—rebel attacks on Spanish positions, re-establishment of those positions by the Spanish, interval of comparative quiet—and so on, *ad nauseam*. Unless, indeed, some radical change in Spanish policy is effected.

5. General Primo de Rivera, who is shortly expected in Tetuan, is known to be opposed to the half-and-half policy hitherto pursued. What his remedy is is not yet quite clear, but it is probable that he leans towards partial evacuation of the zone. From every point of view this seems to be the best solution of a problem which is infinitely more difficult of solution than the world at large has ever been allowed to know.

6. Rich as she is, Spain cannot continue indefinitely to pour money into Morocco, but a reduction of expenditure entails a reduction of the army of occupation, which in turn calls for the curtailment of the lines of communication and the abolition of the garrisoned posts at present sprinkled over hostile or semi-hostile country. The Laraiche–Alcazar district is as peaceful as any in the French zone, and need not to be taken into consideration. There remains only Tetuan and its communications with Ceuta, Tangier and Sheshawen. (I leave out of account the Melilla hinterland, where there are no communications to be protected.) The Tetuan–Ceuta road runs for the most part through the country of the Anjera, who have long been loyal to Spain, a tribe of independent spirit, who are in no way likely to be intimidated into playing Abdel Kerim's game. The Tetuan–Sheshawen road runs through the territory of tribes under Raisuli's influence, as does also the Tetuan–Tangier road, and Raisuli is not in the least likely to turn upon his present paymasters. What military force it would be necessary to maintain in Morocco in these circumstances for the protection of Tetuan, Ceuta and Melilla and their communications I hesitate to say, but it would certainly be considerably less than the 160,000 men which Spain is said to keep there at present. With the reduction of the number of her troops, moreover, it should be possible to exercise greater care and discrimination in the selection of officers for Moroccan service, for there can be little doubt that neglect of this cardinal precaution has in the past

largely contributed to Spain's lack of success. Similarly, the general average of ability of the civil service might be raised as its numbers are diminished, and a fresh start made with the policy of attraction by means of good roads, efficient public services and other of the boons of civilisation. Spain is capable of producing good men, she will in all probability produce them in ever increasing numbers as time goes on, but it is undeniable that at the present time she suffers from a dearth of them, so much so that if Spain have first call the protectorate must go without.

I have, &c.
WILLIAM CODRINGTON.

Enclosure in No. 64.

Acting Vice-Consul Hope-Gill to Mr. Codrington.

(No. 110.)

Sir, *Tetuan, July* 10, 1924.

THE relief of Kubba Dersa on Sunday was carried out in the face of considerable opposition and the casualties must have been at least 200, the official figures are 105. The attack on the tribesmen entrenched in the vicinity of the beleaguered post seems to have been pressed with great vigour, and comprised the use of all arms including native cavalry. The preparatory artillery work is said to have been particularly effective.

The success has had a good moral effect. On Monday a column operating from Tisgarin, General Serrano's headquarters of the northern half of the line, reached and provisioned Hoj with little opposition. This latter is a post of forty native "Regulares" under European officers, and controls three outposts of ten men each on hill-tops to its south on the right bank of the Wad Lau.

On Tuesday the same column proceeded to provision a new post at Loma Verde, a couple of kilometres further south, also without incident. At the same time a force operating from Adgos (my "Azgat" of the 8th instant), which is General Grund's headquarters of the southern half of the line, made a reconnaissance in force towards Taza and Solano without encountering any opposition. The whole line seems to be quiet, and no enemy movement is now expected until after Aid-el-Kebir. It is, however, possible that Abdel Kerim will choose the moment of the Presidential visit to make a further demonstration. At present I can gather no sure indications of a more general and genuine Riffian attack, although the popular native impression is that one is brewing; the wish, however, may be father to the thought.

Enemy casualties seem to have been heavy, especially during the last week when the Spanish began to get the situation in hand. Enemy dead are rarely left, as is customary; snipers who crawl at night to within a yard or two of the wire and there dig rifle-pits, often trail a rope tied to their ankle so that, wounded or dead, they may be dragged to safety.

I regret that I have so far failed to obtain more adequate maps than we already possess. The Chief of Staff has promised me copies when his exhausted stock is replenished, but I have seen the map in general official use, and it is little better than the old 1 : 100,000. I shall endeavour to send you to-morrow a copy of a sketch-map I have compiled.

The "Daily Chronicle" correspondent, Lieutenant-Colonel Ewart, who by chance rather than to design, arrived in time for the fighting, is better known as Boyd Cable.

The official news has just been circulated that the President of the Directory will arrive to-morrow evening. His visit may not pass altogether without incident even among his loyal compatriots. Printed notices reading "Viva Bérenguer!" have been posted in the town and quickly removed by order. General Primo de Rivera will visit Sheshawen the day after to-morrow. With regard to Wad Lau, the admiral in command of Moroccan waters, with whom I have just spoken, professes to regard a landing there as impracticable under present conditions.

I have, &c.
C. G. HOPE-GILL.

[W 8202/225/28] No. 65

Mr. Codrington to Mr. MacDonald.—(Received September 25.)

(No. 285.)

HIS Majesty's agent and consul-general at Tangier presents his compliments to the Secretary of State for Foreign Affairs, and transmits herewith copy of a despatch from His Majesty's consul at Rabat respecting military events on the border between the French and Spanish zones.

Tangier, September 19, 1924.

Enclosure in No. 65.

Consul Lomas to Mr. Codrington.

(No. 61.)

Sir, *Rabat, September* 15, 1924.

I HAVE the honour to report that I had the occasion of a conversation last night with Colonel Heusch, Chief of Staff here.

The topic turned naturally on recent events in the Spanish zone and the effect of Riffian successes against the Spaniards on the Oued Lau line and near Tetuan, on the tranquillity of the frontiers of the French zone.

I see in the local paper an official denial from Paris this morning of the rumour that Marshal Lyautey had asked for reinforcements from France, and that there is no question of sending troops to Morocco.

Colonel Heusch told me that things are for the moment quiet on the northern front, and the troops in the Wazzan district under Colonel Colombat two days ago made a useful advance of posts on the Outzagh-Dar-ben-Aissa front, starting from Fez-el-Bali. It was only a movement for correcting and strengthening their line and giving effective protection to tribesmen of the Beni Ouriaguel and Beni Zerwal, who had submitted.

I knew that hard fighting was quite possible this autumn on the northern line, especially if successes against the Spanish troops encouraged Abdel Krim's men to try a *coup* against the French frontier or raided friendly tribes thereon.

These raids have been happening, notably the attempt to thrust through down the Ouergha towards Ain Mediuna. The French troops suffered insignificant losses, and the reprisal was hard and swift. But the raiders showed extraordinary courage ("mordant"), especially when it is known, as Colonel Heusch told me they do, that the majority of the so-called Riff attacking force were frontier tribesmen with a backing of only about 125 of Abdel Krim's men.

The one thing lacking for the moment, and for which he praised God, was co-ordinate staff work, the Riff raids having been carried out when the French troops could not have been better placed for defensive counter-operations.

Colonel Heusch has no sort of disquietude as to their power to amply defend their northern frontier against aggression from the Spanish zone, even if things go very far against the Spanish troops. But he relies entirely on the policy of covering lines of posts, sufficiently close to one another to keep a close survey all along the line and support one another with reinforcing posts behind them, and mobile columns ready to march at any moment, and whenever any raid is made on these lines, hitting hard, swiftly and mercilessly with every arm at his command, cavalry, infantry, artillery and air force, so that intending raiders may have knowledge that if they attack, not more than half their numbers are ever likely to get back alive over the frontier.

Lately, he added, Colonel Millan-Astray, one of the organisers of the Spanish Foreign Legion, and also Count Volpi, Governor of the Italian Tripolitan Colony, had come to see the Resident-General, and had spent several days poring over files and military plans and movements with him (Chief of Staff) and taking counsel as to the right methods of dealing with their several adversaries, most of them really the same brand of fighting men. They wanted to know his tactics, and how, with a comparatively small force of men at his command, and certain "friendly" tribes, he held a difficult frontier with comparatively very small loss.

He could only reply that stereotyped movements of troops, artillery, infantry, cavalry were all laid down in their drill and tactical works of instruction, and he could not instruct or advise them on those points. The necessary was to know one's men

and one's adversaries, and to know how to deal with them. Royal orders from Madrid or Rome as to what positions were to be taken up and what advances to be made and how, were useless. The man on the spot must know what his general instructions were, but be left a free hand to deal with them. He might make or mar his career, but he must be able to deal with events in that style of fighting, and he must hit hard and swiftly.

But his own sense of ability to deal with the situation on this frontier by no means blinds Colonel Heusch's eyes to the very real danger resulting to the position of French, Spanish, Italian and British troops who have native questions of the sort in front of them, from the successes of Abdel Krim's Riffians in the Spanish protectorate. Insignificant as they are in "world policy," their result is insiduous all through Islam. Abdel Krim has with him adventurers and deserters from all nations, Russians, Germans, Austrians, Turks, besides British, French, and not only are his latest reinforced concrete dug-outs and headquarters for staff and aeroplanes, recently constructed, perfect in all details, and as good as those of the Kronprinz on the Western front in the Great War, but his wireless service is also very good. They (French wireless) naturally intercept several of his messages, and know that every success of Abdel Krim's is known in Angora, as it is in Egypt and all over Islam down to Timbuctoo in a comparatively short time. M. Bernard, newly appointed Belgian consul-general, took part in the earlier part of our conversation before "bridge" claimed him after dinner, and was inclined to scoff at the idea of pan-Islam all down the hinterland of the north coast of Africa in European occupation or protection. But Colonel Heusch himself does not see things in the same light.

Abdel Krim was no sort of personality yesterday; but he is, and is known to-day, and it is an ostrich-like policy to hide one's eyes to the fact that Abdel Krim's successes, insignificant as they are, are blows dealt by followers of the Prophet against the Roumi adversary, and they are known, and they are drop by drop adding confidence to Islamic warriors from Calcutta to Dakar.

Tattenbach, Colonel Heusch told me, has a firm footing, if he is not already installed at Melilla, and money is coming abundantly to Abdel Krim through him.

Furthermore, they have authentic photos of ships under the British flag bringing arms and ammunition to the Spanish zone, where they are landed in Alhucemas Bay. Not that he meant to say that we alone are responsible for this revictualling of his troops in arms and ammunition. It is as easy to hoist a British flag as it is any other on a ship, but Colonel Heusch confidently asserted that Hebrews in Gibraltar are doing a large and lucrative business in this traffic of arms.

I have, &c.
ERNEST G. LOMAS.

[W 8367/783/28] No. 66.

Mr. Codrington to Mr. MacDonald.—(*Received September* 30.)

(No. 293.)

Sir, *Tangier, September* 25, 1924.

REPORTS furnished by His Majesty's vice-consul at Tetuan which have been forwarded to you by this agency have supplied a fairly detailed account of the march of events in the Spanish zone. But the mass of detail and the large number of names of little known posts and villages which such reports have necessarily contained are liable to have the effect of obscuring the general outline of what has been a constantly changing situation.

2. I have therefore requested Mr. Were to compile a narrative of the chief events which have occurred in the neighbouring zone in the last few months, and I now have the honour to transmit herewith copies of a memorandum which he has prepared.

3. Set out in their proper perspective, recent events present a depressing picture. With every desire to avoid captious criticism of Spanish methods, to allow for the difference existing between British and Spanish ideas and to appreciate at their true value the difficulties with which Spain has had to contend, it is difficult not to feel that the present critical situation is to a large extent of her own making.

I have, &c.
WILLIAM CODRINGTON.

Enclosure in No. 66.

Memorandum.

(The following notes are intended as a brief and quite untechnical description of events in the Spanish zone.)

THE present year opened in the Spanish zone, as its predecessor had closed, with the customary alarms and excursions in the Melilla sector, chiefly in connection with the reprovisioning of the notorious post of Tizzi Asa, which for at least eighteen months had been the source of constant trouble and more or less serious casualties for the Spanish forces. No incident of note occurred, but some excitement was caused in Spain by the publication in the European press of alarmist and utterly unfounded reports to the effect that Melilla had been captured by the Riffians and was in flames. These rumours are asserted by the Spanish authorities to have been traced to a gang of speculators in the exchanges.

Towards the middle of March a comparatively unknown factor in the situation appeared in the person of one Khareirou, a native of the mountains in the vicinity of Tetuan, and therefore not a Riffian. This Khareirou had at one time been in Raisuli's service, when Raisuli was as yet in arms against Spain, but had parted from him on bad terms shortly after the conclusion of Raisuli's pact with the Spanish authorities. Although he was known to be extremely active and a master of the art of guerrilla warfare, his early exploits gave no indication of the power he was later to acquire and to wield with such surprising effect. In March, April and May he certainly made his presence known to the Spanish authorities by his attacks on the most easterly Spanish posts in the western sector, but failed to accomplish anything of note, and the situation remained well in hand from the Spanish point of view, although rebel activity in this western sector had been practically unknown since Raisuli's submission.

Late in June it became apparent that the centre of disturbance was slowly but surely shifting from the Melilla to the Tetuan sector. Khareirou drew closer to Tetuan, bodies of his men (many of whom were Riffians sent by Abd-el-Krim) worming their way between the Spanish posts on the Wad Lau, to which the Spanish forces had now withdrawn. Early in July the situation was seen to be sufficiently serious to merit the most earnest attention of the Directorate, and General Primo de Rivera visited Morocco on the 11th July with a view to gaining first-hand knowledge, and while at Tetuan made a speech in which he foreshadowed the condign punishment of the rebels, to be followed by very large reductions of the army in the field. The rebels were by that time attacking the Wad Lau line with great determination, and the reprovisioning of the posts there had become a matter of some difficulty involving not inconsiderable casualties. Nevertheless there seemed to be no reason to doubt the ability of the Spanish to cope with the situation. Matters, however, were allowed to slide, and the rebels profited thereby to induce many of their peacefully inclined coreligionists, by propaganda or by threats, to throw in their lot with them.

Early in August the road from Tetuan to Sheshawan, which had hitherto remained outside the disaffected area, became almost daily the scene of small actions. Raisuli, whether on his own initiative or at the behest of the Spanish is not clear, attempted to raise a force from the tribes acknowledging his authority to assist in the defence of this area, but failure to provide such tribesmen as responded to his call with food and water soon led to their melting away. This attempt of Raisuli's to collect a "harka" had, I think, the gravest consequences, and I believe that the extremely serious situation that subsequently arose is traceable directly thereto. I therefore propose to comment thereon at some length.

Raisuli's hand has for long lain heavy on his countrymen, and his religious prestige as a descendant of the Prophet, his reputation for invulnerability and the knowledge that any resistance of his wishes would be ruthlessly and mercilessly punished have long enabled him to exact heavy tribute from the neighbouring tribes. Of late, however, his position has changed for the worse. Whereas he was formerly the one outstanding Moorish leader in the Spanish zone, he has seen in Abd-el-Krim the rise of a powerful rival, and that at the time when his health was beginning to fail. For the last six months he has been a very sick man, and, although his religious prestige has remained unimpaired, his inability to exert the full force of his personality has undoubtedly resulted in many sufferers from his exactions daring what they would never otherwise have dared and disregarding the expression of his wishes conveyed to

them by his lieutenants. When therefore he issued a call for men the response was poor, such contingents as appeared did so unwillingly, and within a few days all dispersed, most returning to their tribes, but some passing over to the enemy. The fact that they were able thus to disperse and that no punishment followed upon this disobedience to Raisuli's orders created the worst possible effect amongst the former victims of his oppression, and the net result of this ill-advised attempt to assemble a force to fight on Spain's behalf was to undermine the position of Spain's one remaining Moorish ally and to augment the rebel elements.

Within a few days, indeed, despite the orders issued by Abd-el-Krim for a cessation of hostilities as far as the Riffians were concerned, a very critical situation had arisen in the Tetuan zone. A general rising of the tribes appeared likely, and reinforcements were hurried across from Spain. On the 18th August seven columns, numbering some 12,000 men, commenced operations with a view to clearing the triangle, Tetuan–Sheshawan–Wad Lau, of rebels. For a time they met with little opposition, but by the 23rd of the month it became fairly clear that the offensive had failed, the post on the Wad Lau and Sheshawan itself being intermittently cut off from Tetuan, while a change in the weather rendered it impossible to reprovision the garrisons from the seaside. Meanwhile Khareirou's bands were filtering through the hills and closing in on Tetuan, and by the end of the month a majority of the tribes of the western zone had definitely risen, with the result that traffic on the Tangier–Tetuan road was stopped. Moreover, there were now signs that the hitherto peaceful regions adjoining Laraiche and Alcazar were being affected by the prevailing unrest, and small skirmishes occurred there at intervals.

The rebels now began to take the offensive against the two important posts of Sok-el-Arba and Dar Ben Karrish on the Sheshawan road. (The last-named post is barely 5 miles distant from Tetuan.) By the 3rd September Sok-el-Arba was isolated, and a number of such posts to the east of the Sheshawan road fell into the rebels' hands, and fighting had begun under the very walls of Tetuan. All that can be said of this last is that it served to show the Spanish military machine at its very worst, no serious attempt being made to dislodge the handful of mountaineers who for a fortnight or more besieged the town.

By the 5th September the Wad Lau line had been abandoned with the exception of one or two posts, and the situation was deemed to be serious enough to necessitate the presence on the spot of the President of the Directorate, who arrived on the 6th September. On arrival he made a fighting speech, declaring that consideration of the Morocco problem must be set aside for the moment, and all energies concentrated on meeting war with war. That his presence had a good effect on the *moral* of the troops was evidenced by a determined and successful attempt to relieve a small post which, incredible as it may seem, they had endeavoured to reprovision through the agency of Moorish women the day before. By the 10th September the situation was somewhat easier in the vicinity of Tetuan, but Sheshawan was still being subjected to attacks, and was supplied only at long and irregular intervals.

From the 11th September onwards the energies of the Spanish forces were concentrated on re-establishing communication with Tangier by land, and by the 16th of the month motor traffic had been resumed on the road, although naturally not in normal proportions. Small parties of rebels continued to harass Tetuan from the south and south-east, and Sheshawan was still isolated, and there was fairly heavy fighting round the various posts in the neighbourhood of that town.

On the 18th operations on a considerable scale opened from Tetuan with the object of clearing Beni Hozmar mountains dominating Tetuan. Some opposition was met with in the Tetuan valley itself, but thereafter the troops, supported by artillery, met with little resistance, and by the 20th there appeared to be few, if any, rebels left in the area.

The result of this Spanish success has apparently been to demoralise the rebels, who have now disappeared from the vicinity of Tetuan with the exception of stray snipers who find their way down to the valley at night. Dar Ben Karrish, on the Tetuan road, also appears to be free from attack for the moment, and it is probable that the next objective will be Sok-el-Arba, but it cannot yet be stated whether the ultimate intention is to re-establish permanent communication with Sheshawan or merely to relieve and evacuate that town. It is unlikely that there will be any great recrudescence of rebel activity at so late a period of the year, when the tribesmen are anxious to return to their ploughing, and, although General Primo de Rivera has issued a proclamation promising to carry the war into the heart of the Riff, it is probable that the rains, which cannot now be far off, will defeat any intention he may have of doing

so. But, although the break up of the weather may confidently be expected to put an end to operations on both sides until next March or April, there is still time for the rebels to inflict further considerable losses on their less mobile adversaries.

It is difficult to estimate the Spanish losses in men, money and material in the course of the last four months, but in men alone these must have been at least five times as great as those of the rebels, who, of course, have little or no money or material to lose. It cannot be said that they have suffered much in prestige, for that already stood at a very low level, but a considerable tract of country which had enjoyed comparative peace for some years has been harried and stripped of its cattle, and its peaceful inhabitants, deprived of the miserable livelihood with which they have hitherto been content, have become potential, if not yet active, rebels. In a year which must be considered the most disastrous in the whole disastrous history of Spain's Moroccan protectorate there is scarcely one redeeming feature, unless it be the continued loyalty of the Anjera, the most likeable and straightforward of the tribes in their zone, which is attributed largely to the efforts of Spanish "officiers de renseignements" of unusually high calibre. At the time of writing, however, there are rumours of the defection of even this tribe. I regard it as improbable at so late a period of the year and at a moment when circumstances are probably less favourable for a revolt than at almost any time during the past three or four months. But the possibility cannot be ruled out, and the effect on the security of the Spanish forces of the rising of this tribe, which commands the road and railway connecting Tetuan with Ceuta, the one reasonably good port serving the western sector, would be disquieting in the extreme.

Tangier, September 25, 1924.

[**W 10630/783/23**] No. 67.

Vice-Consul Hope-Gill (Tetuan) to Mr. Clive (Tangier).—(Communicated to Foreign Office in Tangier Despatch No. 377 *of November* 30; *Received December* 8.)

(No. 216.)

Sir, *Tetuan, November* 26, 1924.

THE reverse of the 19th on the Sheshawen road was as serious as any that have recently been suffered by Spanish arms. Although the death of only 25 officers and 300 men is officially admitted, there is no doubt that the day's casualties amounted to some 2,000, including the almost total loss of the regulares of Alhucemas and one Spanish battalion. Stragglers of the former have reached Tetuan, and it is now freely asserted that the defection at a critical moment of the retirement was led by adherents of Abdel Kerim, who have recently been joining the ranks of the regulares for this purpose. It is at least certain that the authorities have been finding it increasingly difficult to obtain recruits for this corps. The probability is that they have not been over-particular in accepting them, a fact of which the rebels have apparently not been slow to take advantage. This is, however, the first occasion on which defection of a wholesale nature has taken place.

The only other branch of the army of occupation which can now be relied upon is the Foreign Legion. It seems probable, however, that this corps will not do more than just outlast this last phase of field operations, which is to culminate in the establishment of the 125-kilom. defensive line. The Legion will then almost certainly be withdrawn and an attempt made to re-form it, but the notoriety which its conditions and methods of recruitment have now attained in Europe will make this a difficult task. As it is, Spaniards form 80 per cent. of its strength and foreign enlistments are now comparatively few.

Very little reliance is to be placed on the friendly harkas which the communiqués make a special point of mentioning. They are small in numbers and ineffective in operation except when employed separately with special inducements for certain small objectives. When co-operating with Spanish troops they have often been treated as enemy, and several of the most trusted of their leaders have gone over to the rebels owing to lack of proper consideration and support.

It is to the mass of Peninsula troops that the High Command must now look to complete the withdrawal to and establishment of the final line. Their standard of efficiency and their morale are now so low as to make it doubtful whether they can withdraw without disaster and improbable that they can maintain a defensive line.

In the first place, the worst half of the Sheshawen road remains to be evacuated, and this is in extremely bad condition. Further reports received from civilians, who are passing down it in twos and threes with impunity, confirm not only that the bridges are destroyed, but that the road itself has in places been washed away. Small forces of troops are returning without great difficulty, chiefly those units which were in Sheshawen and have been roughly handled, but the main forces remain in Soq-el-Arba and the other positions, down to Dar-ben-Karrish, and with them is a very considerable fleet of motor lorries. It seems inconceivable that these will be abandoned; to free them will necessitate another week's work on the road under reasonable weather conditions. The latter have improved with a change of wind. An enemy attempt is meanwhile being directed against Zinats, a road post to the south of Dar-ben-Karrish, in which guns are being used. It seems to aim at a definite cutting of the Soq-el-Arba communications rather than at harassing them; of the latter there are not many signs. But when once the general withdrawal is resumed, increased rebel pressure is to be expected which will try the lowered morale of the troops severely. Once the withdrawal to Dar-ben-Karrish is completed the force engaged will be divided between the Tetuan and Laraiche areas. Preparations are already on foot for the establishment of a considerable camp at Ric Martin, from which the Beni Madan portion of the line will be established and manned. It is presumed that the Tetuan defence system will include Gorgues and Dar-ben-Karrish, but it is very difficult to see how either place can be periodically relieved and supplied except at the cost of a minor military operation on each occasion. The successful holding of General Primo de Rivera's long defensive line seems to me to be very problematical with the forces at his disposal. These are not suited to mobile warfare in this country. They have not the initiative, the training or the spirit for it. As garrisons of small posts they show remarkable powers of endurance, but they are lost in open country unless in considerable numbers. The only method by which these troops can be disposed so as to form a defensive line is to place them in small blockhouses at frequent intervals. This line will have the advantage of a good lateral communication in rear throughout its length, but unless it is adequately wired, machine-gunned, provided with flares, and supported by outlying patrols, all of which are at present foreign to Spanish military practice, it is difficult to foresee any improvement on previous lines, such as that of the Wad Lau. Posts will be cut off, supply and relief columns will be continually ambushed and harassed, traffic on the road will be hampered even more than at present, and co-operation effected with the dissident elements of the tribes in rear. Even, therefore, if the withdrawal is successfully accomplished and the line successfully established, the Moroccan problem will still be far from solution. Considerable forces will of necessity have to be maintained. It is possible that the repatriation of several thousand troops by the 1st January may give the country the impression that the Directory has succeeded, but disillusion will follow when it is realised that the President's avowed aim of leaving the military situation in the hands of the Foreign Legion, the regulares, and native friendlies is impossible of achievement. Total withdrawal will then alone save the Directory, and it seems unlikely that General Primo de Rivera will hesitate to put into practice his preaching of the last eight years.

I have, &c.

C. G. HOPE-GILL.

(b.) Spanish Withdrawal and its Effect on Moroccan Situation.

[W 9254/783/28] No. 68.

Consul-General Clive to Mr. MacDonald.—(*Received October* 24.)

(No. 334).

HIS Majesty's consul-general at Tangier presents his compliments to the Secretary of State for Foreign Affairs, and transmits herewith copy of despatch No. 99 from His Majesty's vice-consul at Fez respecting the future of the Spanish zone.

Tangier, October 20, 1924.

Enclosure in No. 68.

Vice-Consul Mackereth to Consul Lomas (*Rabat*).

(No. 99.)

Sir, *Fez, October* 10, 1924.

WITH reference to Tangier Agency despatch No. 43, of the 28th September, 1924, transmitting a copy of the summary of a report made by Colonel Heywood, for His Majesty's Ambassador in Madrid, upon an interview concerning the military situation in the Spanish zone of Morocco, I have the honour of venturing to add a few supplementary remarks on the general subject of the Spanish zone, inasmuch as it deals with the Franco-Spanish frontier.

2. The Spanish authorities are not wholly accurate in stating that the general rising of the tribes in the Spanish zone had spread to the French zone; it is, rather, that the French protectorate forces have themselves advanced into an area which had been until then occupied by disturbed tribes. The opposition encountered by the French occurred north of the line held before the advances made this year. In fact, several of the tribes, included in the Spanish zone, from time to time sent delegates to the French, asking for protection against the rapacity of Abdul Krim.

3. Although the French, whose intelligence service in Morocco is good, have had evidence of propaganda emanating from Turkey, Egypt, Germany and Russia into the Riff, they have no evidence that any of these countries have sent material assistance. In their various brushes with the Riffs, the French have only found old chassepots and modern Spanish weapons in their hands.

4. The proposed Spanish withdrawal to the Larache–Tetuan line, with a subsidised kaid at Sheshawen, is very much the same as declaring Abdul Krim's independence; "attraction by peaceful means" will not, I fear, make any appeal to the Riff. There will possibly be less incentive to the warlike Riffs to attack the Spaniards, but it may be pertinently asked: How will the French look upon the new liberty to be accorded to the Riffs?

5. It will be only natural, and in accordance with history, if the idle hands of the Riff turn their weapons to the south and begin pillaging the rich lands that lie over the Franco-Spanish border. This border is over 300 kilom. long; to protect the peaceful and unarmed tribes that occupy lands behind the French line of posts against plundering raids will tax the present protectorate army far beyond its strength. It is not probable that the French are prepared to face the expense of increasing very considerably the Moroccan garrison. Already three new battalions have been drawn from Algeria, where the garrison was none too large; recently three battalions have been transferred from the Marrakesh to the Fez region, a fact that increases the independence of the Glawi and other big Atlas chiefs to an extent that is considered by many officers, competent to give an opinion, to be dangerous. These are some of the difficulties that can be more or less definitely gauged; in addition there is the danger of hostile propaganda proceeding uncontrolled in the Riff; there will be there a retreat for the scum of Morocco and ruffians will be able to emerge at will and "commit the oldest sins the newest kind of ways," and so on until the situation becomes quite intolerable. The French will not be able to accept such a situation, for it will amount to, if Spain insists upon her sovereign rights over the whole of the present Spanish zone, Spanish subjects committing acts of brigandage upon French citizens and Spain being impotent to prevent it. History only provides one solution for this—war, with or without annexation of the lands of the brigands. I think that there will be no doubt that the French will strive their utmost to prevent matters resting where the Spaniards appear to wish to leave them.

6. There is also the Sultan's position, which cannot be ignored, for, although Mulai Yusef is a free agent in very few matters, he still maintains a considerable moral influence over the majority of Moors. It has frequently been stated that the greatest blunder made by the Spaniards was in doing away with even the pretence of governing their zone in the name of the Sultan. In the present decision to ignore still further the stipulations of the Franco-Spanish treaty of 1912, by leaving the rebel in possession of the field, unless Abdul Krim is prepared to admit the civil power of the Sultan—and he does not seem inclined to do this—the French will have sufficient reason for considering the 1912 treaty finally broken, and this will necessitate another working arrangement.

7. The possibility of a French attempt to occupy the Riff does not come within the scope of the present despatch, but a comment upon the statement made by Marshal

Lyautey to the "Times" correspondent, on the 30th July, to the effect that the French would require 50,000 more men in order to occupy the Spanish zone, may not be altogether out of place. I have discussed this statement with many officers, staff and combatant, and I have found opinion unanimous in believing that a group of three or four Algerian battalions, working with the assistance afforded by a close sea and land blockade, could effectively overcome the resistance of the Riffs in four or five years, if the operations be carried out on the same methodical plan adopted in the rest of Morocco. It is held that the Spanish difficulties are largely due to the neglect in disarming the population behind the lines of advance. From this "mopping-up" of the Riff the French could hope to reduce their total garrison in Morocco to a very low number, and the ultimate cost of the occupation of the whole country would be greatly lessened. I give this opinion on a matter upon which I am incapable of passing judgment, but I would emphasise that this opinion is held by all the chief commanders in the Fez region. Moreover, these same officers do not consider it at all practicable to attempt to take the Riff by starting from the broad front represented by the Franco-Spanish frontier. Opinion is agreed that, if the Riff is to be attacked, it must be taken from west to east or inversely, preference inclining to a start from the line of the Wad Lau and pushing the Riffs along the corridor made by the sea, to the north, and the present French line, to the south. Although tactics and strategy may be of little interest to the Foreign Office, it is perhaps particularly important to appreciate—if the opinions just expressed are worthy of consideration—that it is highly improbable that the world will be startled by the sudden appearance on the Riff coast, by means of a northward march from their present positions, of the French Moroccan army. It would seem that, if the French wish to occupy the Riff, their operations must begin from within the present Spanish zone, and that route lies, surely, only through the conference chamber.

I have, &c.
GILBERT MACKERETH.

[W 10240/783/28] No. 69.

The Marquess of Crewe to Mr. Austen Chamberlain.—(Received November 26.)

(No. 2564.)

Sir, *Paris, November 25, 1924.*

IT would perhaps be an exaggeration to state that the situation in Spanish Morocco is as yet regarded here as raising problems which require immediate solution. There is, however, ample evidence that the possibilities of unfavourable reaction on French Morocco are causing serious and increasing concern.

Press and review articles have dealt with this problem frequently during the last three months, and of late the interest has become more intense.

Although there has been no official expression of opinion, and although the views and intentions of the French Government (if, indeed, any definite policy has been laid down) remain a matter for conjecture, it may be of service to describe the lines on which public opinion is working.

The various forms in which danger to the French position may arise can be enumerated:—

1. The warlike energies of Abd-el-Krim may be directed against the French zone.
2. The French authorities may be forced to undertake punitive expeditions against the Riffians, thus raising the question of the rights under which French troops can enter the Spanish zone.
3. The authority of the Sultan may be threatened, and France, as the protectress of the Shereefian Power, may be called upon by him to maintain the unity and indivisibility of his Empire and to uphold his authority and rights.
4. Circumstances may arise in which the communications between Tangier and Fez may be threatened, or the French line of defence north of Fez may be endangered, or the French line of communication from Fez viâ Taza to Algiers. It must be remembered that Algiers is the base from which reinforcements for Morocco are drawn.
5. Behind all these points there are general considerations of French prestige which, in view of the damage caused by Abd-el-Krim to Spanish prestige and in view of the greater importance of prestige where Orientals are concerned, are not devoid of justification.

High Spanish authorities, such as Admiral de Magaz and the Duke of Tetuan, have expressed the view that France will probably have to raise the question of the right of pursuit into the Spanish zone. Opinions uttered in France have gone further than this. It has been pointed out on various recent occasions that France must have the right to intervene to prevent untoward developments in the Riff; that she cannot remain neutral; that some form of intervention, although not desired by France, is necessary; that this is not the moment to reduce French forces in Morocco; and that France cannot allow a rebel State to be formed in the Sultan's dominions.

It should be noted that these views are in many cases accompanied with expressions of reluctance to undertake further obligations. The statement quoted a few days ago in the "Times" that France neither desired to intervene nor was prepared to do so may probably be taken as representing the large body of opinion here, but it must be remembered that that statement concluded that some intervention was inevitable. One finds the same sentiment expressed in the French press. "We have certainly no desire to succeed Spain," wrote the "Écho de Paris" on the 17th November, "nor to add further to our burden and, by penetrating into Northern Morocco, to stir up further diplomatic troubles, but we must have leisure to organise our defence even in the neutral zone delimited by the Franco-Spanish Treaty of 1912. Disturbances in Spain and in Spanish Morocco can only do France harm." On the same day another newspaper deprecated an "ostrich policy," and there have been no repetitions of a suggestion made in the press a month ago that the French attitude could only be one of observation.

It must be remarked, however, that, at least in the press, there is a fair consensus of opinion that if any action has to be taken, the position of France *vis-à-vis* the other Powers must first be regulated. It has been observed that it would be contrary to the treaties of 1912 for France to penetrate into the Spanish zone, that before any such step could be taken a new understanding with the Powers would be necessary, that France must obtain the right to intervene if necessary, and that the agreement of the Powers is a prerequisite. The "Revue de France" published an article on the 15th October in which the view was expressed that the only solution was a revision of the treaties by a conference, and this opinion has been uttered again since.

The whole problem was admirably summed up in a weighty article in the "Europe nouvelle" of the 15th November, the writer of which took the view that France would soon find herself confronted with a problem whose gravity must at once be measured. Spain had admitted her inability to fulfil her obligations under the Algeciras Act, and either the European Powers or the Sultan of Morocco might call her to account. The situation thus created might prompt England or Italy to raise the Morocco question anew, or the Sultan might call upon his protectress to restore the integrity of his dominions. Faced with such a summons, France could not remain inactive, French prestige must suffer no set-back, nor must Abd-el-Krim receive any encouragement. But this line of argument raised questions of French military force in Morocco, which again brought one back to considerations of finance.

Perhaps this article goes further to describe the dilemma of the French Government than anything else which has as yet appeared. It is clear that an attitude of passive observation would be fraught with danger. On the other hand, the French Government may well ask themselves whether any half-way house exists between that and a deliberate move against the Riff with the object of stamping out all disorder and danger. That precautions have been taken is evident. His Majesty's consul at Rabat reported in this sense on the 20th August, and indeed stated that some affair had taken place between Riffians and French frontier posts. On the 28th September the "Matin" announced that Marshal Lyautey was taking further steps, and that altogether 8,000 men were echelonned along the 300 kilom. of frontier between French Morocco and the Riff. I am informed, however, by the assistant military attaché that this figure of 8,000 is so far short of the mark that at the present time no less than 40,000 out of the total 65,000 troops maintained in French Morocco are posted along the northern frontier or held there in local reserve. This in itself is a sufficient indication of the serious view taken of the situation by the French Government. On the 20th November a person, usually well-informed and in close touch with the official world here, told a member of my staff that, although France realised what a serious undertaking any operation against Abd-el-Krim was, French troops were about to be reinforced with a view not to attacking the Riff chief, but to prevent him coming into the French zone.

The French Government must be fully aware that, in the event of a clash between their troops and those of Abd-el-Krim or of hostile tribes incited by Abd-el-Krim to

rebellion, they might find themselves drawn further and further into a prolonged campaign before they could achieve their objective. In the enclosure in Mr. Clive's despatch No. 334 of the 20th October there is a statement that the local military authorities estimate that three or four Algerian battalions, working with a blockade from land and sea, could reduce the Riff in four or five years. On the other hand, an independent observer, Mr. Scott-Mowrer, who has recently been in the Riff, is of the opinion that for the French to take over and pacify the Spanish zone they would require 150,000 men. I think it is safe to assume that no operation on so large a scale as this would be contemplated, if only owing to the immense cost involved. A more likely line of action might be for the French Government to increase their present force in Morocco by an additional 50,000 troops and to embark upon a policy of gradual and peaceful penetration, well supported by this increased military force, in the manner which has proved so successful in the French zone. I am not in a position to say that such a course is contemplated; I only mention this as seeming the most probable line of action in the event of the French Government finding themselves forced to depart from a passive policy.

As regards the probable attitude of the French Government towards a conference or some similar move with the object of regulating their position *vis-à-vis* other Powers, I can again at present only offer conjectures. From one good source I am informed that the French Government feel that the failure of Spain to fulfil her side of the 1912 treaty leaves to France the reversion of Spanish rights. It seems logical that, if this view is held, the French Government should feel themselves free to act without previously regularising their international position. In any case, I doubt whether the suggestions for a conference, which I have mentioned as appearing in the press, really represent the views of the French Government. It seems to me probable that they would be reluctant to encourage anything so likely to give to other Powers an opportunity for reviving old claims, or raising new ones, in regard to Morocco. I should regard it, however, as likely that the French Government would be anxious to secure the agreement of His Majesty's Government in any measure calculated to raise the question of the future of the Spanish zone. An independent observer, who is in touch with official quarters here, has expressed this opinion somewhat confidently to a member of my staff, indicating that the French Government are anxious to do nothing contrary to the wishes of His Majesty's Government. On the other hand, the newly appointed Director of the Quai d'Orsay Press Bureau informed the British and American press correspondents, on the 24th November, that if Spain left her zone France would occupy it, and that France had a clear right to do so under the treaty of 1912. The zone would revert to France as a matter of right, and there would be no need of international conversations on this point, as the existing treaty position met the case. M. Giraudoux went on to say that France would much prefer that Spain should remain in her zone, but that, unless France took over what was evacuated by Spain, a new and more terrible kind of Angora would be set up in Morocco. The French protectorate in Morocco was much like the British protectorate in Egypt. The coast must be held in any case, if not by Spain, then by France, but France was not increasing her expenditure in Morocco. (M. Giraudoux's statement is certainly one which cannot be passed over, but I am inclined to attach somewhat less importance to it owing to the fact that he has only just taken up his new duties, and perhaps, through inexperience, may have spoken somewhat too emphatically regarding what should have been presented as a hypothetical case.)

I have said that in my opinion no definite policy has as yet been decided upon here. The information which I have given in the preceding paragraph would seem to indicate that uncertainty still exists, unless indeed more importance is to be attached to M. Giraudoux's statement than seems to be warranted. One thing, however, seems certain, namely, that His Majesty's Government must reckon with the possibility that the French Government may, when the time comes, take the view that they already have an undisputed right to take over the Spanish zone.

France may indeed hold this conviction in theory, but for practical and political considerations I am still inclined to think that she will seek to act in co-operation with His Majesty's Government.

There has of late been an increasing tendency, at all events in the press, to recognise the community of interests between Great Britain and France in dealing with all Moslem nations. The disappointments of Angora and Lausanne have gone home here, and the sense of interdependence as between the two countries has been deepened since the successes of Abd-el-Krim. The present situation in Egypt seems likely to encourage this sentiment. There are signs of a desire for co-operation with

Great Britain in Eastern questions, and for this reason I feel it the more probable that the French Government will seek our agreement in any steps which they may find themselves compelled to take in Morocco.

This desire for co-operation was strongly expressed by the secretary of the Committee of National Defence in a conversation with the military attaché on the 15th November. His words were:—

> "We shall do well to turn our eyes from the banks of the Rhine to the Mediterranean and beyond it, where troubles are likely to arise which can only be met satisfactorily if you and we recognise that our interests are parallel and agree to work together."

I have, &c.
CREWE.

[**W 10746/134/98**] No. 70.

Record of Conversation with Signor Contarini on Sunday, December 7, 1924.

I HAD a longish conversation last night with Signor Contarini after dinner at the Embassy.

Signor Contarini enquired whether I was satisfied with my interview with the President of the Council, and added that Signor Mussolini on his side had been very well satisfied. He gathered that we had been agreed in regard to the protocol. I replied that we had agreed that it was desirable to adjourn the discussion and to take more time for the examination of the very serious issues that were raised. But I again marked the fact that I was not in a position to give even an indication of the ultimate decision of the British Government. I seized the opportunity, however, to develop more fully to him than I had done to Signor Mussolini the change which had passed over the conditions of British foreign policy in the course of the last quarter of a century, for I have felt it important to make clear to those with whom I have spoken that British policy must now be the policy of the British Empire and not of Great Britain alone. The growth of the Empire added to the strength behind that policy, but, on the other hand, it placed a Foreign Minister under disadvantages for purposes of immediate decision which had been unknown to my predecessors even a short time ago. Lord Salisbury had been able to declare the policy of the British Government after, at most, consultation with his colleagues, but I had to ascertain and represent the views of the British nations across the seas no less than of Great Britain.

Signor Contarini then suggested that we might carry the afternoon's conversation further and examine together some other questions. I asked him what questions he had in mind, and he at once mentioned North Africa. I replied that I must say frankly that I should be unwilling to enter into separate conversations with him about matters in which the French were equally concerned with Italy and ourselves, and that if further conversations on this subject were desirable they had better be *à trois*. Though this was evidently not what Signor Contarini had desired, he at once expressed agreement with me and limited himself to the consideration of questions such as the frontier of Cyrenaica and Egypt, which concerned only ourselves. I replied that I had already treated this question with Signor Mussolini in the course of the afternoon, but that if there were others of a similar kind in which Italy and Great Britain alone were interested I should be very happy to consider them. I think what he had intended to do was to press me for further and more precise declarations about the Spanish zone in Morocco. At any rate, he produced no other question after I had limited our conversation to subjects in which Italy and ourselves were alone concerned.

He turned instead to Turkey, and enquired whether the statement which he read in the press that I had agreed to the appointment of an Ambassador to Turkey was correct. I told him of the nature of the arrangement I had made with M. Herriot and of the reasons which I had given to M. Herriot for not allowing the Embassy to be placed at Angora. Signor Contarini assured me of his complete agreement, and said that the Italian Government entirely shared our views. I then broke off the conversation to talk to other guests.

A. C.

December 8, 1924.

[W 10747/134/98] No. 71.

Memorandum on Conversation with Signor Mussolini on Sunday, December 7, 1924.

I HAD a conversation with Signor Mussolini this afternoon lasting an hour and twenty minutes. Signor Mussolini, after expressing his pleasure at my visit, made some enquiry as to the character of my conversation with M. Herriot. I told him that M. Herriot had given me some indication of the attitude of the French Government towards the protocol, and that we had discussed several other matters of less consequence, but that we had not touched upon the question of inter-Allied debts, which we thought had better be reserved for the Finance Ministers at their meeting in Paris. Signor Mussolini then asked if M. Herriot had said anything about Morocco. What was going to happen if the Spanish retired to the coast and abandoned their claim to the interior? Were the French going to occupy it? I told Signor Mussolini that M. Herriot was evidently a good deal concerned about the effect of the victory of the Riff tribes upon the French protectorate. It had appeared to me from his conversation that Marshal Lyautey was not without apprehension that the tribes might invade the protectorate. It would then of course be necessary for the French to drive them out of the protectorate, but I had expressed my most earnest hope to M. Herriot that he would not allow them to enter the Spanish zone. I had said to him that as long as France was acting within the protectorate she was dealing with a question which, as the French Ambassador had said to me in London when speaking of our action in Egypt, was one *d'ordre intérieur*, and that I earnestly trusted that M. Herriot would not allow this question *d'ordre intérieur* to be turned into an international question which would at once provoke the interference of all the Powers represented at the Algeciras Conference. Signor Mussolini agreed that a very grave situation would be created if the French entered the Spanish protectorate, and he suggested that in that case we might take a common attitude in opposition to their action. Signor Mussolini said that he observed that the French papers suggested that there would be great danger in allowing the triumph of the Riffs over the Spanish armies to pass without the re-establishment of European prestige by their defeat by a European Power, obviously intending France to be that Power, and that it would be contrary to the interests of all the Powers interested in Northern Africa to allow Abdel Krim to assert his independence. I replied that this danger did not seem to me as great as it was represented to be in the French press. I thought that M. Herriot fully appreciated both the international objections and the military difficulties of any invasion of the Riff, and I did not anticipate that he would sanction it. He had indeed explained to me that, apart from any other reason, such action on his part was certain to provoke considerable opposition in his own party.

Signor Mussolini then turned to a discussion of the frontier between Cyrenaica and Egypt. He recalled the agreement made by Lord Milner which had not been ratified by Zaghlul. The British Government, on declaring the independence of Egypt, had informed the Italian Government that they must treat directly with Egypt, and Mr. Ramsay MacDonald, in his conversations with Zaghlul in London, had said the same thing. But Zaghlul, who had at first spoken of returning by Rome, had sailed from Marseilles, and there had been no opportunity of taking up the matter with him. If Italy failed to obtain the ratification of the Milner agreement from the Egyptian Government it was her intention to occupy Jalabub militarily. I at once expressed the hope that he would take no such action. I pointed out that that would indeed raise serious questions, for he must be aware of the declaration which we had communicated to the Powers at the moment when we recognised the independence of Egypt as to the manner in which we should regard any interference by a foreign nation in Egypt. I was ready to use my good offices with the Egyptian Government to secure acceptance of the Milner line. I hoped that there would be no question of military occupation in advance of an agreement, and that his Excellency would leave time for the new Egyptian Government to make good its position, for it certainly was not to anyone's interest to press immediate demands with which it might be unable to comply. Signor Mussolini took the opportunity of observing that he entirely approved what we had done in Egypt; that the Italian colony in Egypt had informed him that they preferred to see our position strengthened rather than weakened, for there was a movement of hostility to all strangers in Egypt, which was as dangerous to them as to us. At the same time Signor Mussolini argued, as it seemed to me with no little force, that if we allowed

the Egyptian Government to tear up the agreement made by Lord Milner, we were, in fact, recognising their complete independence, and were putting ourselves in a false position for maintaining the limitations which we had imposed. I contented myself, however, with saying that, as I had already told him, I should be glad to use our good offices for what they were worth with the Egyptian Government.

Signor Mussolini then spoke of the protocol. I had already told him, at my short ceremonial visit of the morning, that I was not in a position to express any view on behalf of my Government, or even to give any indication of what our ultimate decision might be. He said, however, that he was in agreement with our request that the discussion should be postponed for further examination, and he thought it would be necessary that the dates of further events dependent on those discussions should be similarly adjourned. He himself obviously dislikes the protocol; he is afraid of the immense and ill-defined responsibilities which it involves. He explained that he would not like to reject the protocol, which might be considered by the smaller Powers a selfish act on the part of the Great Powers, but he would like to introduce amendments in it. He did not believe that it was possible to admit that every subject of dispute should be a matter for compulsory arbitration. He would like to see a list drawn up of those subjects which might be settled in this way. The longer the list was the better he would be pleased, but there would remain, perhaps, 10 per cent. of subjects which were so vital to the parties concerned that they never would consent to arbitrate upon them, nor would they abide by an adverse decision, even if they had bound themselves to do so. I asked his Excellency if he had made any list of the subjects which might be capable of compulsory arbitration, but he indicated that the absence of any definite views on that subject was just one of the reasons why he would like to adjourn the discussion.

I then recurred to an observation which he had made in our morning talk, and he again insisted that it would be dangerous to bind ourselves to maintain in perpetuity the present boundaries of European States. The illustration which he had chosen for his argument in the morning was drawn from the conditions of Czechoslovakia and its very powerful minorities. He added that his information was that Japan would not sign the protocol under any circumstances, and that in that case the protocol was practically dead. America would not join; Russia was outside it. Unless *all* the remaining Great Powers signed it, it had no life.

This was really all of substance that we had to say to one another, but I prolonged the conversation for some little time by asking him about his reasons for accepting a Russian Ambassador and appointing an Ambassador to Moscow, and about the effect of these diplomatic relations on Italian trade with Russia, and on Communist propaganda in this country. He told me that in accepting the Embassy he had not had his hands quite free, and indicated that if it had not been for negotiations undertaken by his predecessors his decision might have been of a different character. He had, however, made it a condition of recognition that there should be a trade treaty, but in fact not much trade had resulted, for though communism had broken down internally in Russia and there was again a *bourgeoisie* and private shops were open, the Soviet was obliged to present a Communist façade to the rest of the world by keeping up its control of external trade. This introduced great difficulties, with the result, as already stated, that no great extension of trade had taken place. As to propaganda, he said it certainly went on; a good deal of Russian money came into the country, and the Italian Communists openly avowed that they took it. He had had some trouble with the Embassy when it first arrived because it had daily flown an immense Communist flag, reaching from the roof nearly to the street, and to Communist workmen passing the Embassy it became an occasion for a demonstration. He had insisted that the flag should only be flown on certain fixed days, but though the Ambassador himself was a moderate man and maintained the correct attitude, undoubtedly his staff fraternised with the Communists, who went in force to the fête given in honour of the anniversary of the establishment of the Union of Soviet Republics.

AUSTEN CHAMBERLAIN.

December 7, 1924.

[W 10714/783/28] No. 72.

Memorandum on the Effects of the Spanish Withdrawal in Morocco.

THE President of the Spanish Directory has formally announced his intention of withdrawing the Spanish troops in Morocco to the region of the coast, leaving the remainder of the Spanish zone under the control of the native tribes (see sketch map).* He proposes to come to a peaceful arrangement with Abd-el-Krim, chief of the Riff tribes, and through him to exercise the Spanish protectorate over the unoccupied portion of the zone. The Spanish Government will maintain that in this way they are fulfilling their treaty obligations and have not renounced the rights conferred upon them by the Franco-Spanish Agreement of 1912.

2. It is unlikely that the Spanish army will succeed in holding the lines to which they are being withdrawn and it is more than doubtful whether Abd-el-Krim in his present temper will recognise even the shadow of a Spanish protectorate. He will probably demand complete and unfettered independence. In any case the French Government cannot be expected to acquiesce for the following reasons. Unlike the Spanish zone, the whole of the French zone is now under effective occupation except for three unpacified "taches," one in the south and two in the north. Of the latter, one is actually contiguous with Riff territory in the Spanish zone. The evacuation of the Spanish zone and the virtual independence of Abd-el-Krim, even if the Spaniards are able to cloak it under a form of protectorate, may threaten the position of France in Morocco in the following ways :—

(1.) The warlike energies of Abd-el-Krim may be directed against the French zone, and the French authorities may be forced to undertake punitive expeditions against the Riffians, thus raising the question of the right of French troops to enter the Spanish zone.

(2.) If Abd-el-Krim declares his complete independence the Sultan may call upon France, as the Protectress of the Shereefian Power, to maintain the unity and indivisibility of his Empire and to uphold his authority and rights. In this connection it must be remembered that the French have always maintained that the Franco-Moorish Treaty of 1912 gives them a protectorate over the *whole* of Morocco, and that the Spanish zone and the Tangier zone are sub-protectorates.

(3.) Circumstances may arise in which the communications between Tangier and Fez may be threatened, or the French line of defence north of Fez may be endangered, or the French line of communication from Fez viâ Taza to Algiers. It must be remembered that Algiers is the base from which reinforcements for Morocco are drawn.

(4.) In addition, there is the general consideration of French prestige which, in view of the damage caused by Abd-el-Krim to Spanish and therefore European prestige and of the importance of prestige where orientals are concerned, is not devoid of justification.

3. The French appreciate the gravity of the position and are already taking measures to prevent a possible invasion of the French zone by the Riff tribes. Of a total of 65,000 French troops maintained in Morocco 40,000 are posted along the northern frontier. It is unlikely that the French will indefinitely pursue a waiting policy. First, it is against their principles to stand on the defensive and they realise the danger of leading Abd-el-Krim to believe that they are afraid of him; secondly, they can ill afford, in view of their commitments in the south, to continue for long to tie up a large body of troops in the north.

4. If this appreciation of French views is correct, the French Government will be obliged sooner or later to declare that Spain has failed to carry out her treaty obligations, that Spanish rights have therefore lapsed, and that France is free, if she so desires, to occupy the territory evacuated by Spain. Two courses will then be open to the French Government : (1) To conduct a campaign with the object of taking over and pacifying the evacuated portion of the Spanish zone; (2) to embark upon a policy of gradual and peaceful penetration supported by troops, on the lines which have proved so successful in the French zone. The first course would be a hazardous and costly undertaking, from which the French will probably shrink. They are more likely to choose the second alternative. Both courses involve a radical modification

* Not reproduced.

of the existing position in Morocco. Matters are not likely to come to a head immediately; on the other hand a tribal raid may precipitate a crisis sooner than is expected.

5. In September last the Quai d'Orsay were informed verbally by His Majesty's Embassy in Paris that if Spain abandoned her zone we should insist on our treaty rights to have a voice in any new arrangement modifying the political *status quo.* Since September things have gone from bad to worse in the Spanish zone, and its eventual future has been freely discussed in the French press. The line taken is that in the event of the evacuation of the zone France will be absolutely free to do what she likes, and the fourth secret article attached to the Anglo-French Declaration of 1904, of which more anon, is quoted in support of this contention. In a recent despatch Lord Crewe reported that he learnt from a good source that the French Government considered that they were entitled to the reversion of Spanish rights. It followed, therefore, that they were free to act without previously regularising their international position. On the 24th November M. Giraudoux, the director of the Quai d'Orsay Press Bureau, informed the British and American press correspondents that if Spain evacuated her zone France would occupy it, as she had a clear right to do under the Franco-Spanish Agreement of 1912. In these circumstances it is necessary to examine in some detail exactly what the treaty position and what our rights to a voice in a settlement are.

6. By the Anglo-French Declaration of the 8th April, 1904, France and Great Britain mutually renounced their rights in Egypt and Morocco respectively with certain reservations. We recognised that it appertained to France to "preserve order in that country (Morocco) and to provide assistance for the purpose of all administrative, economic, financial and military reforms which it may require," and we declared that we would "not obstruct the action taken by France for this purpose." Definite provision in regard to Spanish rights was made in article 8 of the declaration, which laid down that "the two Governments, inspired by their feeling of sincere friendship for Spain, take into special consideration the interests which that country derives from her geographical position and from her territorial possessions on the Moorish coast of the Mediterranean. In regard to these interests the French Government will come to an understanding with the Spanish Government. The agreement which may be come to on the subject between France and Spain shall be communicated to His Britannic Majesty's Government." An agreement, *i.e.*, the Franco-Spanish Agreement of 1904, *was* come to, and was duly communicated to His Majesty's Government under cover of a private letter from M. Cambon to Lord Lansdowne, who acknowledged the receipt of the text of the agreement in the same form.

7. Attached to the Anglo-French Declaration were four secret articles. The third of these provided for the creation of a Spanish sphere of influence; the fourth provided that if Spain declined to assent to the previous article, *i.e.*, declined to administer a sphere of influence, the Anglo-French Declaration would nevertheless remain in force. The contention of the French press is that Spain *is* declining now to administer her sphere; and that as the Anglo-French Declaration nevertheless remains in force, His Majesty's Government remain pledged not to obstruct the action taken by France, &c. In other words, Great Britain cannot obstruct France in preserving order and introducing administrative and other reforms in the Riff if she wishes to do so. The soundness of this contention depends on whether or not Great Britain is entitled to be regarded as a party to the Franco-Spanish Agreement of 1904. It can be argued that the communication to us of the Franco-Spanish Agreement of 1904 in a private letter from M. Cambon does not render us parties to that agreement, *i.e.*, that the agreement did not by the fact of the informal communication to us become tripartite, and that consequently Great Britain is not entitled legally to a voice in its modification or abrogation. On the other hand, the agreement was communicated to us, not as an act of courtesy, but in fulfilment of a definite treaty obligation (article 8, Anglo-French Declaration of 1904). It is therefore not unreasonable to contend that this fact in itself makes us parties to the agreement, or at any rate would entitle us to be consulted before the Franco-Spanish Agreement is torn up altogether. In any event, the position is not as clear as the French press would have us believe; but it must be admitted that if we base a claim to be consulted solely on the letter of the 1904 agreements our case is not as strong as could be desired, especially since, as will appear, the situation created by those agreements has already been considerably modified by the Declaration of the French Protectorate over Morocco in 1912 and the Franco-Spanish Agreement of that year.

8. The Anglo-French and Franco-Spanish Agreements of 1904 were followed by the Act of Algeciras of 1906, the Franco-German Declaration respecting Morocco of the 8th February, 1909, and the Franco-German Convention of the 4th November, 1911. The general effect of these instruments was to recognise the special position of France in Morocco and so to lead up to the Declaration of the French Protectorate over Morocco on the 30th March, 1912, which in its turn led directly to the Franco-Spanish Agreement of the 18th November, 1912. In this agreement, which is based on the Franco-Spanish Agreement of 1904, France, as the Protector of the Sultan, recognises the position of Spain in the Spanish sphere of influence in the following words:—

> "Le Gouvernement de la République française reconnaît que, dans la zone d'influence espagnole, il appartient à l'Espagne de veiller à la tranquillité de ladite zone et de prêter son assistance au Gouvernement marocain pour l'introduction de toutes les réformes administratives, économiques, financières, judiciaires et militaires dont il a besoin, comme aussi pour tous les règlements nouveaux et les modifications aux règlements existants que ces réformes comportent, conformément à la déclaration franco-anglaise du 8 avril 1904."

9. There are three things to be observed. The first of these is that, although the special position of Spain is recognised in the words quoted above, the Franco-Moorish Treaty of 1912 gives to France a protectorate over the whole of Morocco. The second is that we acceded to the Franco-Moorish Treaty of 1912, and thus recognised the French protectorate over all Morocco. The third is that we have not acceded to the Franco-Spanish Convention of November 1912, in virtue of which Spain enjoys her existing position in her zone. It is difficult to see how we can base a claim to a voice in any new arrangements in regard to the Spanish zone on any of the treaties concluded in 1912.

10. At the same time as the 1912 negotiations with Spain were being brought to a successful conclusion, the French and Italian Governments signed in October 1912 a declaration to the effect that the two countries had the "mutuelle intention de n'apporter réciproquement aucun obstacle à la réalisation de toutes les mesures qu'ils jugeront opportun d'édicter la France au Maroc et l'Italie en Lybie." The rights of Germany, Austria and Hungary in Morocco were finally disposed of in 1919, when these Powers renounced them under the Peace Treaties.

11. It would thus appear that, on the letter of the various Moorish treaties, irrespective of their underlying motives and intentions, France and Spain may claim to have a free hand to come to any arrangement they like in regard to the Riff. There is, however, another document which has an important bearing on the situation, and that is the so-called Mediterranean Agreement of 1907.

12. The circumstances in which the Mediterranean agreement was concluded may be briefly summarised as follows: The French Government desired to come to some arrangement with the Spanish Government which would prevent Spain from yielding to German pressure directed towards obtaining a footing in the Mediterranean, and they initiated negotiations with the Spanish and British Governments for that object. They proposed that England, France and Spain should guarantee one another's possessions in the region of the Mediterranean. His Majesty's Government preferred that the object in view should be secured not by a formal agreement, but by an exchange of notes between England and Spain and between France and Spain. Their reasons were political and parliamentary; they considered that, if the arrangement, which would have to be published, were made in the form of a tripartite treaty, as originally proposed by France, it might have the appearance of a joint manifestation against the other Powers, and would arouse opposition in Parliament. The French Government eventually accepted the form advocated by His Majesty's Government, provided that the British and French Governments communicated to each other the notes respectively exchanged with the Spanish Government.

13. The following are the texts of the notes received from the Spanish and French Ambassadors:—

"*Spanish Ambassador to Sir Edward Grey.*

"M. le Ministre, "*Spanish Embassy, May* 16, 1907.

"Animated by the desire to contribute in every way to the maintenance of peace, and convinced that the preservation of the territorial *status quo* and of the rights of Spain and Great Britain in the Mediterranean and in the part of the Atlantic which washes the shores of Europe and Africa must materially contribute to the attainment of this object, being at the same time to the advantage of the two nations bound to each other by ties of ancient friendship and by community of interests;

"The Government of His Catholic Majesty desire to lay before that of His Britannic Majesty the following declaration, in the confident hope that it will contribute not only to strengthen the good understanding so happily existing between the two Governments, but also to promote the cause of peace:—

"The general policy of the Government of His Catholic Majesty in the regions above defined has for its object the maintenance of the territorial *status quo*, and, in pursuance of this policy, the said Government is firmly resolved to preserve intact the rights of the Spanish Crown over its insular and maritime possessions in those regions.

"Should new circumstances arise which, in the opinion of the Government of His Catholic Majesty, might alter, or tend to alter, the existing territorial *status quo*, the said Government will communicate with the Government of His Britannic Majesty in order to afford them an opportunity to concert, if desired, with regard to the course of action to be adopted in common.

"I avail, &c.

"W. DE VILLA URRUTIA."

"*French Ambassador to Sir Edward Grey.*

"*Aide-mémoire.*

"L'Ambassadeur de France exprime au nom de son Gouvernement à Sir Edward Grey toute sa satisfaction de l'accord intervenu simultanément aujourd'hui entre le Gouvernement de Sa Majesté britannique et le Gouvernement de Sa Majesté catholique d'une part, et entre le Gouvernement de la République française et celui de Sa Majesté catholique d'autre part.

"Il est chargé de faire savoir au Gouvernement britannique que, dans le cas où les éventualités prévues dans les notes en date de ce jour viendraient à se réaliser, le Gouvernement de la République française serait prêt à se concerter avec le Gouvernement britannique en même temps qu'avec le Gouvernement espagnol.

"*Le* 16 *mai* 1907."

Even the ingenious officials at the Quai d'Orsay would find it well-nigh impossible to contend that the evacuation by the Spaniards of their zone in Morocco did not alter the existing territorial *status quo*. It seems clear, therefore, that Spain is bound to consult us if she evacuates her zone, and that France, who has declared her readiness to consult us in such a contingency, is likewise bound, if we desire it, to consult us before she takes over the Spanish zone. In other words, we are, by the terms of the Mediterranean Agreement, entitled to a voice in any new arrangements regarding the Riff.

14. Our policy in 1904 was based on keeping the French off the Mediterranean coast of Morocco, and we should never have concluded the Anglo-French Declaration without the provisions contained therein regarding the Spanish sphere of influence. The reason for this was, of course, strategic, *i.e.*, we were determined not to allow France to establish herself on the south side of the Straits, and thus enable her, in the event of war, to bottle up the Mediterranean. In the new circumstances which have now arisen, it is necessary to consider how far the policy adopted by us in 1904 holds good to-day.

15. In 1904 there were no submarines and no aeroplanes, the French had not established a protectorate in Morocco, and Tangier had not been given an international régime. It is safe to assert that the cumulative effect of these changes is very great, especially upon our position in Gibraltar; it is perhaps not so safe for the Foreign Office to attempt to deal with strategic conditions in the Western Mediterranean. The Admiralty and War Office may be in possession of information not available at the Foreign Office. Subject, however, to the views and criticisms of those Departments, it may be observed that neither we nor any other Power can now close the Straits, since submarines can get through at night, even if not by day. The Rock is helpless against concentrated aeroplane attack, and has therefore lost much of

its value. The French have established naval and air bases at Casablanca and all along the Algerian coast. It is difficult to see how they would be better off or how the strategic position would be materially affected if they took over the Spanish sphere. It seems very unlikely that the French will establish bases on the Mediterranean coast of Morocco. No assumption is certain in the case of the Spanish army, but surely it may be expected that even Spaniards, with numerical odds of between 10 and 20 to 1 in their favour, will be able to hold their presidios, Melilla, Ceuta and Alhucemas, which technically form part of Spain and not of the Spanish zone. Except for these places and for Tangier, the coast is completely iron-bound with no possibility of creating a harbour except at vast expense. Inland, the country is a wild tangle of mountains and valleys, entirely unsuitable for aerodromes. Why should the French trouble to build harbours or aerodromes when at a short distance to the east, the south and the west of the Spanish zone they have all that they want already?

16. Any idea of replacing the Spaniards by the Italians or, *à fortiori*, by "the Portuguese or the Greeks," is fantastic, and can be dismissed at once. We certainly shall not embark on a Riff campaign ourselves. There is no one but the French, and they are legitimately and morally entitled to suppress a focus of intrigue and rebellion on their frontier and to establish peace and order in the Spanish zone. It is in the general interest of Europe that this should be done, and, incidentally, we need not envy France or grudge her so tiresome and difficult a task.

17. The British and French Governments are pledged by article 7 of the Anglo-French Declaration "not to permit the erection of any fortifications or strategic works on that portion of the coast of Morocco comprised between, but not including, Melilla and the Straits which command the right bank of the River Sebou," *i.e.*, the whole of the Riff coast, except the Spanish presidios. If it be decided to raise no objection to the French taking over the Spanish sphere of influence and incorporating it in their protectorate, it would be worth while formally to call attention to this undertaking when we agree.

Foreign Office, Western Department,
December 10, 1924.

[W 10974/783/28] No. 73.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 697.)

Sir, *Foreign Office, December* 16, 1924.

IMMEDIATELY on my return from Rome I received a not unexpected request for an interview from the Spanish Ambassador. He called upon me this afternoon, and as I had anticipated enquired as to the nature of the conversations which I had held in Paris and Rome in so far as they touched upon Morocco. His enquiry was reinforced by many references to the French and Italian press, which he elaborated with a good deal of concern. I replied somewhat fully in my endeavour to allay his apprehensions. All that it is necessary, however, here to record is that I told him that he might give a categorical assurance to his Government on my part that I had said nothing either in Paris or Rome that could cause any anxiety to Spain, or that I should not have been willing to say in the presence of the Spanish Prime Minister. We had, of course, recognised that just as the domestic affairs of England in Egypt might cause a repercussion in the African spheres of other Powers, so what happened in those spheres might indirectly affect us, but the whole object of my conversation had been to secure that such domestic issues should not give rise to international problems, and, though it was not my business to interpret to him the minds of foreign Powers, I would add that I had returned satisfied that this was also the desire of those with whom I had conversed. As some confirmation of this statement, I drew his attention to the statement appearing in yesterday's "Quotidien." His Excellency thanked me for what I had said. He observed that he had spoken on this matter without instructions, a statement which should perhaps not be taken without qualification, and said that my attitude was exactly what he himself and his Government would have expected of me. He was glad to hear that I thought my view was shared in Paris and Rome.

He then said, speaking under instructions, that his Government was concerned about Communist activities and was quite disposed to join with other Governments in defending society against them. I told him that I had found amongst many of the

representative statesmen whom I had met in Rome similar apprehensions. I had not, however, gone far into the question with any of them. I did not myself see that any common action by Governments was either desirable or possible. We could not create a new Holy Alliance or declare war in common on Bolshevik propaganda. I believed that different countries were accustomed to exchange information as to the movements of persons dangerous to society, and it seemed to me personally that probably it was in that direction, if at all, that we might give some help to one another, but it must be realised that propaganda which is dangerous in one country might be harmless in another; that the laws and practice of different countries differed profoundly, and that anything more than that common protection of society against criminals as distinguished from mere advocates of extreme ideas seemed to me impossible of execution.

His Excellency asked me to ascertain whether Scotland Yard was satisfied with its present liaison with the Spanish police; if not, he would be very glad to mention the matter to his Government. At one time their police had been very inefficient and might have been unable or unwilling to co-operate in the way it indicated, but it was now very much improved. I told his Excellency that I would enquire whether Scotland Yard had all the facilities that they thought necessary.

I am, &c.
AUSTEN CHAMBERLAIN.

(c.) British Claims in Spanish Zone.

[W 9959/128/28] No. 74.

Mr. Shearman to Mr. Austen Chamberlain.

Sir, *Foreign Office, November* 18, 1924.

I HAVE the honour to report, in continuation of my previous report of the 10th May last, that the final session of the Anglo-Spanish Moroccan Claims Commission terminated last week at the Peace Palace at The Hague. It will be remembered that it had been hoped to hold this session at the end of June last at the latest. So far as His Majesty's Government is concerned, I had practically completed at that date, with the assistance of Mr. Hope Gill, the further documentation which was demanded by the exhaustive questionnaire delivered to agents of both Governments by M. Huber at Algeciras. We had also complied with a demand to furnish reasoned arguments as to the arbitrability and admissibility of each of the "B" claims. In accordance with the general expectation, however, the Spanish representative was considerably behindhand with his replies, and also the continuous sittings of the Permanent Court of International Justice made it inconvenient to M. Huber to hold the session before the end of October.

In the intervening period during the exchange of documents by either side the Spanish Government made frantic efforts, officially and privately, to burke the enquiry into the arbitrability of the "B" claims by the commission. As explained in my previous reports, I was authorised to assist the Spanish Government to escape from what would amount to an adverse decision to their claim to the orderly administration of the Spanish zone by suggesting that they should pay us the substantial sum of 700,000 pesetas in satisfaction of these claims. After a great deal of delay I was informed by Señor de Yanguas that "public opinion" in Spain would not permit of such a solution. Shortly afterwards, upon the 23rd August last, the Spanish Chargé d'Affaires suddenly presented a note urging His Majesty's Government in the most persuasive terms to withdraw the whole question at the eleventh hour from M. Huber's competence and to refer it to the Permanent Court of International Justice. The terms of this note well show the mortal terror, comparable only to the feeling of a criminal in the dock awaiting the return of the jury, which the Spanish Government obviously felt in view of the imminence of a decision which they well knew would be unfavourable to their contentions. The following is a quotation:—

> "As is natural, it is impossible to know in what sense M. Huber will pronounce, but this does not prevent the scope of the declarations in principle which might be made in the sense of recognising the responsibility of the State in the case under consideration causing great preoccupation to His Majesty's Government. Such declarations would in the present case create for the Spanish State a precedent of such a kind that one of two things would happen: either the

precedent would in fact apply in the future to Spain and to her action in Morocco—which would be a palpable injustice—which it is impossible to admit even as a hypothesis—or it would remain established as a juridical precedent of undeniable importance and almost obligatory to all States, and in this second case it does not appear that a tribunal consisting of one person, no matter how great the renown of the lawyer who constitutes it, should have the authority to formulate a juridical principle of such enormous importance."

Comment is needless on this amazing document. A reply was requested within twenty-four hours, and the Spanish Chargé d'Affaires was tersely informed that His Majesty's Government regretted their inability to entertain the suggestion.

Upon the 28th August M. Huber at last transmitted the texts of his two preliminary decisions. The first (Appendix A) dealt with the question of the arbitrability of the "B" claims, and the second (Appendix B) dealt only with a question of minor importance as to whether certain claims placed upon List "B" by the Spanish Government should not be placed upon List "A." The first report is wholly in our favour. The decision reviews the question at issue at great length from the point of view both of principle and precedent and should be of considerable use in the future as a valuable contribution towards the subject of the responsibility of States towards foreigners resident within their territories. M. Huber has decided that all our "B" claims are properly referable to arbitration on the ground that in each case we have made out a *primâ facie* case of a breach of international law.

In the second document M. Huber decides, with one exception, that the claims are properly listed in the appropriate categories of "A" and "B." But as he has decided in the more important judgment that all the claims are properly arbitrable, the point is of merely academic importance, and one can only hope that their slight success on this issue will please the Spanish *amour-propre*.

At the beginning of the sittings at The Hague the position was as follows: M. Huber had completed, but not promulgated, his decision on all the "A" claims and merely desired some further information on certain points of detail and on certain minor legal issues. These points were cleared up at the first two or three sittings, which began upon the 23rd October at the Peace Palace, and continued for just under a fortnight. After completing his enquiries upon the "A" claims, M. Huber then produced another voluminous and reasoned decision (Appendix C), entitled "Les responsabilités de l'État dans les situations visées par les réclamations britanniques." M. Huber explained that this document, consisting of twenty-five closely typed pages, was merely to indicate the ideas which would be likely to pass through his mind during the legal arguments which might be addressed to him by either side on the issues of admissibility of a responsibility for the "B" claims. We thereupon plunged into the fray, and in arguing each of the cases separately the British representative endeavoured to conform to the principles which M. Huber considered appropriate.

I should here mention that the Spanish Government were represented again by Señor de Yanguas and Señor Olevan, and that Mr. Hope Gill came specially from Tetuan in order to give us his expert assistance. The Spanish replies to our memoranda on the "B" claims were ready, but had not been hitherto produced. Each morning was set aside to the hearing of two or three claims, and the afternoons were devoted to preparing for the work of the next day. M. Hammarskjold, the *greffier* of the Permanent Court, acted as secretary, and excellent accommodation was provided for us in the Peace Palace. The sessions of the tribunal do not call for any particular comment. As explained in my previous report, a good many of the "B" claims are exceedingly weak, and we shall be fortunate indeed if M. Huber decides as much as 50 per cent. in our favour. I do not anticipate, for instance, that he is likely to hold the Spanish Government liable for any of the damage claimed as arising in the international zone. At the end of the procedure I pressed M. Huber to decide definitely that no further sessions would be necessary. He agreed to this. When he has sent us his decision on the responsibility for each of the claims he will then proceed to decide how much, if anything, must be paid as compensation in each case. This, however, he can do upon the documentation already supplied. He has fixed the 1st December as the latest date for the sending in of any further documents, and I think that sometime in that month we shall receive his final report and award of compensation on all the "A" claims and his final report on the responsibility for the "B" claims. Soon after that we shall receive his award on the compensation due (if any) for the "B" claims, and we shall then have to arrange how the payment of the indemnities is to be made.

There was a refreshing absence of regrettable behaviour on the part of the Spanish representative such as had taken place in the spring, and we heard less than usual about the honour of Spain. On one occasion Señor de Yanguas demanded in writing that we should withdraw an insinuation that certain Spanish officers had either failed to discipline their troops properly or were obviously incapable of doing so at any time. At the hearing of the particular case, however, the demand was not repeated, and I found it convenient to ignore it. This was fortunate, as our allegations against Spanish officers in this and other cases constituted our sole evidence of negligence as a basis for the claims. Señor de Yanguas also commented adversely on the apparent absence of evidence in support of our allegations. To this I retorted that this was largely due to his refusal to consider the "B" claims at Tetuan, where a good many eye-witnesses were available for examination and cross-examination. He accepted these remarks with calmness and also made no objection, as I certainly should have done had I been in his position, to *ex parte* statements made on the military position in Tetuan by His Majesty's vice-consul. In some cases Mr. Hope Gill was in the curious dual position of a solicitor who has collected the evidence and of a witness who orally comes forward to prove it. Such informality of procedure was, however, effective, and appeared to commend itself to M. Huber.

M. Huber asked us whether we wished that the reports and proceedings should be printed. I replied, as also did Señor de Yanguas, that I would consult my Government. I feel perfectly sure, however, that the Spaniards will never allow the report to be made public. Señor de Yanguas himself, however, said he had no personal objection, but characteristically added that he would prefer the omission from one of the documents of a passage in which M. Huber dismisses somewhat cavalierly a particularly fatuous Spanish argument that certain clauses of the Berlin Act of 1886 applied to Morocco. I now see that the Spanish Government are publicly putting forward this argument in defence of certain arguments used against them by the French with regard to the future of Morocco. This accounts for Señor de Yanguas's disinclination to see published the fact that M. Huber regards the argument as untenable.

I should add in conclusion that the commission was hospitably entertained by M. Huber and by His Majesty's Minister at The Hague and by the Spanish Minister, and I would also like to draw attention once more to the great services rendered by Mr. Hope Gill, His Majesty's vice-consul at Tetuan, to the work of the commission, both at the sittings of the commission and during the whole of the year, in the preparation of the cases.

I have, &c.
MONTAGUE SHEARMAN.

(d.) Status of Vice-Consulate at Tetuan.

[W 10064/17/28] No. 75.

Foreign Office to Mr. Clive (Tangier).

(No. 481.)

Sir, *Foreign Office, November* 20, 1924.

MR. SECRETARY CHAMBERLAIN has given further consideration to the question of the status of the British consular representative at Tetuan under the new régime which will be introduced by the entry into force of the Tangier Convention.

2. It is clear that the most logical arrangement would be to place the vice-consulate at Tetuan on a footing similar to that of the consulate-general at Rabat, that is to say, in a position of complete independence. There are, however, objections to this course. The consular establishment in Morocco does not permit of the appointment of an experienced and senior consular officer at Tetuan. In the circumstances, and especially in view of the present unsettled state of the Spanish zone, it would be unwise to make any material alteration in the existing relations between His Majesty's consulate-general at Tangier and consular officers in the Spanish zone of Morocco. On the other hand, it is undesirable that, after the renunciation of British extra-territorial rights in the Tangier zone, the exercise of such rights in the Spanish zone should be vested in His Majesty's consul-general at Tangier. It has therefore been decided that on the entry into force of the new judicial régime at Tangier the powers and duties which are being transferred to His Majesty's consul-general at

Rabat in respect of the French zone shall be transferred to the British vice-consul at Tetuan in respect of the Spanish zone. The latter, however, will remain under the superintendence of the consulate-general at Tangier and will exercise the powers attributed to him by Order in Council under the supervision of and, so far as may be necessary, under instructions from His Majesty's consul-general.

3. The draft Morocco (Tangier Zone) Order in Council, 1924, has been amended in order to give effect to this decision. I am to enclose a copy of the draft so amended and to request that if you desire to make any observations on it you will do so by telegraph.

I am, &c.
G. H. VILLIERS.

Enclosure in No. 75.

Draft Morocco (Tangier Zone) Order in Council, 1924.

WHEREAS by treaty, grant, usage, sufferance or other lawful means His Majesty the King has jurisdiction within the dominions of His Majesty the Sultan of Morocco and Fez;

And whereas by a convention signed on behalf of His Majesty at Paris on the 18th December, 1923, provision was made for the abrogation of the Capitulations in the region defined in the first schedule hereto (hereinafter described as the "Tangier Zone"), and for the establishment of an international jurisdiction to administer justice in the Tangier zone to His Majesty's subjects and the nationals of other Powers;

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Acts, 1890 and 1913" (53 and 54 Vict., cap. 37, and 3 and 4 Geo. V, cap. 16), or otherwise in His Majesty vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. As from the commencement of this order the operation of the orders mentioned in the second schedule hereto, and of any King's Regulations, rules or other enactments made thereunder, shall, as regards all such matters and cases as come within the jurisdiction of the Mixed Court of Tangier established under the convention signed at Paris on the 18th December, 1923, be suspended in the Tangier zone, except as regards any judicial matters pending in His Majesty's Consular Court at the date of the commencement of the order; but such suspension shall not affect the past operation of those orders or enactments, or any of them, or any right, title, obligation or liability accrued, or the validity of anything done or suffered thereunder, before the commencement of this order, or take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

2. As from the commencement of this order, in the operation outside the Tangier zone of the Orders in Council mentioned in the second schedule hereto and any King's Regulations, rules or other enactments made thereunder—

   (1.) The powers and duties of His Majesty's Minister and of the consul-general shall be transferred, in and so far as concerns the French zone of Morocco, to His Majesty's consul-general at Rabat, and in and so far as concerns the Spanish zone of Morocco, to His Majesty's vice-consul at Tetuan; and any act required or permitted to be done by, to or before His Majesty's Minister or the consul-general shall be done by, to or before His Majesty's consul-general at Rabat, or before His Majesty's vice-consul at Tetuan, as the case may be, and the said Orders in Council, King's Regulations, rules and enactments shall be read and construed as if the words "His Majesty's consul-general at Rabat" or "His Majesty's vice-consul at Tetuan" were substituted for the words "His Majesty's Minister" or "the consul-general," as the case may require;

   (2.) Any act required or permitted to be done at the consulate at Tangier shall be done at the consulate-general at Rabat, or at the vice-consulate at Tetuan, as the case may be.

3. This order may be cited as "The Morocco (Tangier Zone) Order in Council, 1924," and shall come into force on such date as the Secretary of State shall appoint by notice issued in the "London Gazette," and exhibited in the public offices of the consulate at Tangier.

And the Right Honourable Austen Chamberlain, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

FIRST SCHEDULE.

Boundaries of the Tangier Zone.

From Punta-Altares on the south coast of the Straits of Gibraltar, the boundary will run in a straight line to the crest of Djebel Beni-Mayimel, leaving on the west the village of Dxar-ez-Zeiken, and will then follow the boundary line between the Fahs on one side and the Anjera and Oued-Ras on the other to the junction with Oued Es-Seghir. Thence the boundary will follow the thalweg of Oued Es-Seghir, then those of Oueds M'Narhar and Tzahadadartz to the sea.

SECOND SCHEDULE.

The Morocco Order in Council, 1889.
The Morocco (Amendment) Order in Council, 1921.*
The Foreign Jurisdiction (Neutrality) Order in Council, 1904.†
The Foreign Jurisdiction (Probates) Order in Council, 1908.‡
The Foreign Jurisdiction (Admiralty) Order in Council, 1910.§

---

o

* S.R. and O., 1922, No. 287.
† S.R. and O., 1904, No. 1654.
‡ S.R. and O., 1908, No. 779.
§ S.R. and O., 1910, No. 1183.